

Minutes of the Meeting
of the
REAL ESTATE LICENSE COMMISSION
OF THE TERRITORY OF HAWAII

February 9, 1956, at the offices of Mr. Eaton H. Magoon, Chairman,
910 Alakea Street, Honolulu, Hawaii.

Present: Eaton H. Magoon, Chairman
Hirotooshi Yamamoto, Member
John K. Clarke, Jr., Member
Robt E. Bekeart, Executive Secretary

The regular meeting of the Real Estate License Commission of the Territory of Hawaii was called to order by Chairman Magoon, at 9:00 a.m., in his office at 910 Alakea Street, Honolulu, T. H. The reading of the minutes of the previous meeting was dispensed with. The order of business and the actions taken were as follows:

ORDER OF BUSINESS

Forfeitures of Licenses for 1956

A check of our records disclosed that a total of 82 salesmen, and 20 brokers have forfeited their licenses as of January 1, 1956 for failure to comply with Section 7740 (payment of annual renewal fees), Chapter 150, Revised Laws of Hawaii, 1945, as amended 1953. (see attached lists) In comparison with the previous year, the number of forfeitures is noted to have reduced by 19 as seen by the breakdown shown below:

<u>Forfeitures for 1956</u>		<u>Forfeitures for 1955</u>	
Salesmen.....	82	Salesmen.....	111
Brokers, brokerages.....	<u>20</u>	Brokers.....	<u>10</u>
Total	102	Total	121

Immediate request for reinstatement and payment of the reinstatement fee of \$25.00 were made by the licensees below and the Commission unanimously approved their reinstatement:

Salesmen

1. Alvah Marion M. Osorio
2. Ben T. Murashima
3. Robert W. G. Fong

Brokers

1. John Ferreira Souza, Jr.
2. Kazuo Yoshioka

The rest of the forfeitures who have not requested reinstatement will be notified by the usual form letter that their licenses may be reinstated by following the procedure outlined in our law. The Executive Secretary volunteered to interview each broker personally to find out the reason for failure to pay the annual renewal fee. Attached is the forfeiture list.

Reinstatement Requests

Routine investigation has been completed on the following requests for reinstatement and recommended for approval by the Executive Secretary. A motion was made by Mr. Magoon, seconded by Mr. Clarke, and unanimously carried that request for reinstatement is granted.

Salesmen Reinstatement

- | | | |
|----------------------------|-------------------|--------|
| 1. Jane Loomis Morse..... | license forfeited | 1/1/42 |
| 2. Richard C. Burley..... | " " | 1/1/51 |
| 3. Francis M. Okita..... | " " | 1/1/53 |
| 4. Justine V. Maehler..... | " " | 1/1/53 |
| 5. Susumu Tomita..... | " " | 1/1/54 |

The recent police record on Mr. Muesel Chun, who requested reinstatement of his broker's license forfeited in 1952, was reviewed, along with a request from Mr. George C. Benevedes whose license was forfeited in 1939. The Commission realized that the police record against Mr. Chun cannot prevent him from being reinstated in that he was not convicted on the charge of arrest. The petition from Mr. Benevedes was just received, therefore no preliminary investigation was done on him, except to rely on the reference letter submitted with his application. It was formally moved by Mr. Magoon, seconded by Mr. Clarke, and unanimously carried that reinstatement is approved for Mr. Chun and approval for Mr. Benevedes is conditioned on a favorable report after a routine investigation.

Amendment to Chapter 150, Revised Laws of Hawaii 1945, as amended, 1953

The provisions of our law practically permit everyone to be reinstated upon the payment of a \$25.00 reinstatement fee and satisfying the Commission on his good character and reputation for honesty, truthfulness and fair dealing in the community. It was the unanimous feeling that our laws should provide that a former licensee seeking reinstatement should be required to pay all the back fees accumulated during the years of inactivity from real estate, or we could restrict the years of inactivity to three years and people seeking reinstatement after three years will have to take another examination, either written or oral, upon the discretion of the Commission. The Executive Secretary was advised to consult with the Office of Attorney General to draft a law for such amendment and report back to the Commission.

Requests for Change of Trade Names

Requests for change of business trade names were given official approval by a motion made by Mr. Clarke, seconded by Mr. Yamamoto, and unanimously carried, ratifying the action of the Executive Secretary on the following:

1. From: Robert T. Muraoka dba Universal Enterprises
To: Robert T. Muraoka dba Bobeth's Enterprises
2. From: Parker D. Jeffers dba Kailua Realty Company
To: Parker D. Jeffers dba Kuulei Realty Company

Mr. J. Edwin Whitlow, broker, requested that he wished to operate a real estate division under the trade name he formerly discontinued back in 1947 as HONOLULU REALTY COMPANY rather than under WHITLOW & ASSOCIATES, LTD., which is incorporated for a number of other activities. Mr. Bekeart was instructed to write to Mr. Whitlow that the Commission feels the similarity of name with HONOLULU REALTY BOARD would tend to be misleading to the public and suggests that he think of another name. Therefore, temporary approval given to Mr. Whitlow to transact real estate as HONOLULU REALTY COMPANY on January 16, 1956 is being withheld, pending further clearance with him.

Requests by Individual Brokers Who Desire To Do Business under Business Trade Names

Temporary approval granted to individual brokers to do real estate business under requested trade names was given unanimous official approval:

1. Ray A. Otsuka dba KONA REALTY HOUSE
2. Grant B. Nielson dba KANEOHE REALTY
3. Kenneth W. Ing, REAL ESTATE

Application for Brokerage Licenses

The following applications for brokerage licenses were officially approved pending a new policy that the Executive Secretary first satisfy himself that their articles of incorporation permit them to engage in the real estate business. He was given full authority to call at these offices personally and request that he be allowed to inspect their articles of incorporation.

<u>Name of Brokerage</u>	<u>Principal Broker</u>
1. Prudential Investment Co., Ltd.	Chad Dunstan
2. M. C. Yap, Ltd.	M. C. Yap
3. John Child & Company	John F. Child, Jr., and Julia E. Child, Co-partners
4. Kailua Investment Co., Ltd.	Thomas K. Beveridge

Requests for Branch Office Licenses

The copartnership of Robert E. Paine and Edgar A. Kudlich, known as ISLAND LIVING was dissolved on January 25, 1956. Mr. Paine has requested that the trade name be registered solely under his name as Robert E. Paine dba ISLAND LIVING at 107 Aina Haina Shopping Center. Simultaneously, Mr. Paine has made application for a branch office license at 1344 Kapiolani Blvd., appointing his former partner, Edgar A. Kudlich, as broker-in-charge of the branch office.

The Commission reviewed the above arrangement and unanimously approved the granting of a branch office license only after the Executive Secretary has determined for himself that this is a mutual agreement between the former partners and has checked into the degree of control and supervision of the branch office. It was suggested that Mr. Kudlich affirm his approval of the arrangement in writing.

The request for a branch office license by the Prudential Investment Co., Ltd., was unanimously approved. Mr. Daniel Tolbert, broker, will be in charge of the branch office at 25 Kam Highway, Wahiawa.

Case of Thomas J. Larkin

The developments on the trial of Thomas J. Larkin were followed very closely by this Commission as the key figure in the Beckjord's case, concerning a will produced for probate. The Honolulu Advertiser of January 18, 1956 reads: "Honolulu real estate salesman, Thomas J. Larkin, Jr., 46, today was fined \$1,000 and placed on five years probation for his part in the forging of the will of Jesse G. Beckjord, wealthy candy and real estate magnate. Larkin was permitted to plead guilty last month to a reduced charge of soliciting another person to commit perjury after having originally been charged with forgery."

Our records show that the real estate salesman's license of Thomas J. Larkin was meantime forfeited on January 1, 1956 due to non-payment of the renewal fee.

Based on the above information, the Commission unanimously voted to revoke the real estate salesman's license of Thomas J. Larkin, Jr., effective February 9, 1956. The Executive Secretary was advised to write to Mr. Larkin informing him that this Commission has permanently revoked his license effective February 9, 1956.

General Complaint Session

Mr. Yamamoto, Commissioner, reported that he was approached by a saleswoman at Waikiki Realty to set up a sort of a "clearing house of ideas" for all real estate people in business. There are a great number of licensees who do not belong to the Honolulu Realty Board, and a movement to get together all the brokers and salesmen and conduct a

regular session for suggestions and comments for improving our laws, present problems and grievances, inter-change of latest information on real estate, and sharing of experiences to avoid "pit falls" would help the people in industry immeasurably education-wise and foster better public relation. Chairman Magoon and Commissioner Clarke unananimously concurred with such a proposal for future planning. It was suggested that a circular letter be sent out to all brokers and salesmen to find out the exact number who would be interested and whether it would warrant renting a large auditorium to conduct such a session with a guest speaker, etc. The expending of funds to conduct such a session would necessarily have to be cleared through the proper channels.

Executive Secretary's Trip to California

By unanimous decision, the Commission voted to send Mr. Bekeart to California for the purpose of studying the real estate laws of that State under Mr. D. D. Watson, Real Estate Commissioner of California, Division of Real Estate. Mr. Bekeart would be allowed 14 days per diem at \$20.00 a day so that he would have the opportunity to visit the offices in Sacramento, San Francisco, and Los Angeles. As far as transportation is concerned, he is of the opinion that he could arrange such a transportation without any expense to the Territory. Mr. Bekeart was requested to write a letter to the Governor immediately for approval of the Commission's action.

Change in Class Title for Mr. Bekeart

The Civil Service Department has notified this Commission that there has been a change of class title for Mr. Bekeart from its former title, Real Estate Licensing Administrator to Executive Secretary, Real Estate License Commission effective January 1, 1956.

It was injected at this time, that the Commission is unanimously in favor of a satisfactory salary adjustment for Mr. Bekeart, Executive Secretary. He was given full authority to check into an equitable salary to be paid to a similar position in California when he is there so that upon his return an immediate adjustment could be made on his classification and salary.

Project Toward a Real Estate Broker's License for Robt E. Bekeart, Executive Secretary

Some discussion was held to decide on the kind of examination for working toward a real estate broker's license for Mr. Bekeart. Of course, it is clearly understood that this license once attained cannot be utilized while in the employment of the Real Estate License Commission. The unanimous decision was that the Executive Secretary write a thesis, making a very thorough study of the Territorial licensing statutes, Chapter 150, Revised Laws of Hawaii, and its rules and regulations. He would be required to tear each statute and rule and regulation apart and study its weaknesses, loopholes and/or merits and

step by step set down recommendations for amendment after making comparative studies with other license law states. This completed study will serve as the basis for recommendations to amend our statutes, rules and regulations of this Commission at the next Legislature. It was also felt this would be an ideal procedure for the Commission to work up to a public seminar or work shop for all real estate salesmen and brokers in the field as a clearing house for presenting ideas, suggestions, comments, and grievances, with the Executive Secretary as the moderator of the group. The Commission is willing to give Mr. Bekeart lots of leeway and ample time to work on the thesis and project.

In addition to the thesis, Chairman Magoon suggested that Mr. Bekeart work on a glossary of real estate terms pertinent to Hawaii as a sort of reference book similar to the mainland directories to be included in our next real estate directory.

Commission Calling Cards

Mr. Bekeart reported that personal calling cards for all members in lots of 500 are being printed as requested by Mercantile Printing Company. It was unanimously voted that the Commission accept the plain photo finish work which would cost \$26.00 as against \$170.00 for an engraved work.

Complaint by Robert K. H. Tom

A complaint by Mr. Robert Tom against Mr. Richard S. Imada, Broker, was discussed with the Commission. Mr. Tom asked this Commission's help in obtaining a closing statement on the transaction of a real estate property at 3255 Herbert Street. There is also an outstanding balance of \$35.92 as payment of the first half of 1955 real property tax which Mr. Tom is claiming that the seller should take care. The Initial Payment Receipt and Contract drawn up by Mr. Richard Imada was very unsatisfactory, according to the members, and the Executive Secretary was instructed to contact Mr. Imada personally and straighten this matter with him. Mr. Tom should be advised as soon as possible what steps have been taken to remedy the situation.

There being no further business to discuss, the meeting was adjourned.

Respectfully submitted,



Robt E. Bekeart
Executive Secretary