

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

May 11, 1956, at the offices of the Commission, Rooms 109 and 121, Honolulu Armory, corner of Hotel and Miller Streets, Honolulu, Hawaii.

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

Absent: Eaton H. Magoon, Chairman

A special meeting of the Real Estate License Commission of the Territory of Hawaii was held in the Commission's offices, Rooms 109 and 121, Honolulu Armory, at 11:00 a.m., to review the results of the examinations held on May 5, 1956 and to dispose of other routine Commission business. The order of business and the actions taken were as follows:

ORDER OF BUSINESS

Case of Pastor A. Pablo,
Real Estate Broker

Mr. Michael M. Miyake, Deputy Attorney General of the Territorial Attorney General's office, was invited before the Commission to review and to provide legal counsel on this long pending case. The background information on the case was briefly summarized as stemming from a real estate transaction involving a property situated at 1308 Middle Street, Honolulu, T. H. Miss Mildred S. Ohata, complainant, alleged misrepresentation on the part of Mr. Pablo that he had failed to make the correct disclosure of the nature and use of the property. She claimed that she entered into the transaction with the assumption that the property was zoned for business when it actually was zoned as Class B, residential, upon checking with the City Planning Commission. The Commission had since then taken disciplinary action and suspended the real estate broker's license of Pastor A. Pablo for thirty days effective December 1, 1951 to December 31, 1951, subsequent to a rehearing held on November 27, 1951. Some time thereafter a writ was served this Commission petitioning this regulatory body to show cause for carrying out the suspension. Since then no action was taken by this Commission to formally reply to the writ served by the court. Mr. Pablo has continued to operate as a real estate broker and our records show that an unconditional broker's license has been issued him to date.

Mr. Miyake commented that in reviewing this case supported by certain information and evidence presented in the case alleging misrepresentation on the part of Mr. Pablo, the Attorney General's office has come to the conclusion that the facts do not clearly indicate that Mr. Pablo had actually wilfully and intentionally misrepresented the property. This opinion was first expressed by Mr. Benjamin Tashiro, who was then the Assistant Attorney General of the Territory of Hawaii, by Mr. Wadsworth Yee, Deputy Attorney General, and by Mr. Miyake. It was suggested to the Commission that unless some action was taken by this Commission at this time, this case will remain pending for an indefinite time.

In view of the opinion and counsel expressed by Mr. Miyake on the case, Mr. Clarke moved that the matter be dropped which was seconded by Mr. Yamamoto and carried. It was recommended by Mr. Miyake that a letter be forwarded to the Office of the Attorney General on the action taken by the Commission. The Commission expressed its feeling that the subject real estate ad on the property clearly constitutes misrepresentation; however, in view of the opinion rendered by the Office of Attorney General, the Commission has decided to drop the matter.

Reinstatement Request by Salesmen

The following applied for reinstatement of their salesman's licenses:

1. Janet Frances McNeeley
2. Richard H. Zukemura
3. Frank Leonard Rego
4. Tadashi Hanzawa
5. Richard Lawrence Patterson

Upon the recommendation of Mr. Bekeart, Executive Secretary, it was moved by Mr. Clarke, seconded by Mr. Yamamoto, and unanimously carried that official approval be granted for reinstatement of Janet F. McNeeley and Richard H. Zukemura, and official approval is granted to Frank L. Rego, Tadashi Hanzawa, and Richard L. Patterson provided upon completion of routine investigation on them, there is no derogatory report against them.

Branch Office Request by Leilani Realty Company

Temporary approval was granted by the Executive Secretary to Leilani Realty Company to establish a branch office at 45-920-B Kamehameha Highway, Kaneohe, Oahu, on April 13, 1956, with Kaoru Arakaki, broker-in-charge. Mr. Yamamoto duly affirmed the above action into a motion, seconded by Mr. Clarke, and carried.

Application for Trade Name by Diamond Head Realty Company

Mr. Robert R. Bode, broker, made application for registration with the Commission the use of the trade name Diamond Head Realty Company for

transacting real estate business. Such trade name has already been registered with the Territorial Treasurer's Office. It was moved by Mr. Clarke, seconded by Mr. Yamamoto and carried that action be withheld at this time until Mr. Bode can produce a photostat copy of the certificate approving this trade name from the Treasurer's office. It was unanimously decided that it be the policy to require such photostat copy of certificates from the Treasurer's office be accompanied with every application for a trade name in order to avoid duplication of names. The Commission instructed Mr. Bekeart to write to Mr. Bode to advise him of the Commission's action.

Screening of Applicants for
May 5, 1956 Examination

Mr. Bekeart briefly explained for the information of the members that out of a total of 241 applicants, including brokers and salesmen, approximately 30 were absentees. If an applicant gave written notice prior to the examination date with a legitimate reason for being absent, he has been excused to take the coming examination. The other applicants are required to file another application with the proper fee.

It was also reported that candidates who failed to bring with them the admission card for the examination were requested to either locate the card or present an affidavit for our records. The following applicants were asked to comply with our request:

Salesman Applicants

1. Philip Chu
2. Clarence W. H. Fong
3. Clarence R. Short
4. Nancy T. Silva

Broker Applicants

5. Jack G. Nosaka
6. Stanley M. Sabihon

The Commission unanimously approved the action of the Executive Secretary on the above. Everyone has complied with our request at this date.

The following applicants were approved to take the salesman's examination contingent on further verification as qualifying residents of the Territory of Hawaii, one of the requirements for an applicant seeking a license. (Sec. 7737, subparagraph 5) Mr. Bekeart has interviewed each applicant personally and has received previous assurance from the Commission, approving his discretion in the matter.

1. Violet Downey
2. Donald R. Falk
3. Robert G. Fifield
4. George Samuel Helm
5. Carol M. Maxwell
6. George C. Medary

7. Donald Francis Nugent
8. Lawrence Madison Templeton
9. Hector Roscoe Weston (withdrew application)
10. Thomas Smith

The Commission unanimously reaffirmed the action taken by the Executive Secretary.

Background investigation conducted on all applicants revealed that the following had either a police or credit record against them:

<u>Credit</u>	<u>Police</u>
1. Thomas A. Sofos	1. Dora Kim Choy
2. Sophie K. Sheather	2. Charles N. Kimura
3. William K. Fujita	3. Porfirio C. Tupinio*
4. Tsulan V. Choy	
5. Homer E. Bray	

A thorough screening was done by this office, especially on Mr. Tupinio, before permission was granted for the above to take the examination. On the case of Mr. Tupinio, the Executive Secretary has ascertained with the Governor's office that through personal appeal to that office, the Governor is at present in the process of granting him a full and free pardon. Furthermore, Mr. Tupinio has already served his required 5-year probational period for the offense he was convicted of. For the record, the Commission unanimously moved for approval on the action taken to allow Mr. Tupinio to take the examination.

Derogatory records against the following applicants were again reviewed, and the Commission went on record in reaffirming the original stand it took in denying them to take the May 5th examination:

1. Raymond A. Bartolome, broker applicant - credit investigation revealed that his credit situation had deteriorated that the Commission ruled it advisable to set aside his application at this time unless there is shown further sincere effort to improve his credit condition.
2. Witherspoon Wesley Sibbett - denied on the basis of his police record.
3. Jean E. Binyon - Conviction for violating Title 18, Section 911 & 2 (violation of Immigration & Naturalization laws, a felony) Still on probation.
4. John Kalehua Paki - Disciplinary action taken by the Honolulu Police Department against applicant for soliciting money for Christmas party for orphans and children of officers.
5. Robert Baxter Bishop - incomplete application

6. Lillynn Lee Bishop - incomplete application
7. Bert Anthony Lang, Jr. - " "
8. Eleanor Logan Lang - " "

The Executive Secretary, at this time, presented to the commissioners an exhaustive, detailed report of a highly confidential nature, setting forth in chronological order the sequence of events that transpired which eventually climaxed to the unqualified denial of this Commission to accept real estate applications from Mr. and Mrs. Bishop and Mr. and Mrs. Lang. Mrs. Anne O'Neill had submitted in writing releasing her sponsorship of Mr. and Mrs. Bishop; likewise followed by Mr. Arthur K. Y. Zane, broker, of Mr. Bert A. Lang, Jr., and Mrs. Julia W. Parker, broker, of Mrs. Eleanor Logan Lang. (the confidential report on the above applicants are made a part of the records and are filed in their respective application folders) Barring other revealing information on an applicant, the Commission reads into the law the absolute necessity of accepting only complete applications for consideration. The members unanimously concurred that the subject applications cannot be accepted; that the withdrawal of sponsorship by a broker, presents an incomplete application. The Commission injected for emphasis that brokers should be made more and more aware of the importance and responsibility attached to the role they assume as a licensed real estate broker. The Commission highly frowned on brokers who participate in the practice of loosely sponsoring any prospective salesman for examination without first understanding the section of our real estate salesman's application, which reads in caption, "Voucher of Prospective Broker With Whom Salesman Is To Be Associated," or be liable to perjury and falsification. Mention was made by Commissioner Clarke on the advisability of calling Mr. Herman Baltrusch, broker, before the Commission for some explanation on his conduct for attesting to the sponsorship of Witherspoon W. Sibbett at its next meeting.

Upon inquiry by the Executive Secretary regarding the disposition of the application fees from applicants who were denied, Commissioner Clarke moved, seconded by Mr. Yamamoto and unanimously carried that such application fees be refunded with an accompanying communication, advising the Commission's decision in the matter. The applications will remain the property of the Commission and be made a part of our records.

Results of Broker and Salesman Examinations Conducted on May 5, 1956

There was a total of 155 applicants taking the salesman examination, out of which 86 candidates successfully qualified with a passing grade of 75% and above and 69 failed in the examination or a percentage of 56 passing.

A motion was put to order by Mr. Clarke, seconded by Mr. Yamamoto and unanimously carried that the 86 candidates who passed be approved

for licensure and the 69 applicants who failed to qualify be notified by a special form letter advising them that personal inspection of their paper cannot be granted but scoring attained in each section is made known to them for their aid in future studies. (see sample of form letter attached)

The following salesmen who qualified in the examination were as follows:

<u>Name</u>	<u>Grade</u>
1. Virginia Mahaffay	93.00
2. Clarence R. Short	91.00
3. Harold J. Silva	90.00
4. Thomas A. Sofos	90.00
5. Arthur A. Stranske	90.00
6. Ruth E. Best	89.00
7. Inez H. Kanoho	89.00
8. Emilie Williams	89.00
9. Leilani M. Baker	88.00
10. Wildon Paul Baker	88.00
11. Florence C. Ferreira	88.00
12. Rhea Lucas	88.00
13. Shigeo Shiraishi	88.00
14. Harriet Campbell	87.00
15. Philip M. Chu	87.00
16. Robert G. Fifield	87.00
17. Ralph W. Kondo	87.00
18. Peter N. Economou	86.00
19. Dorothy G. Godwin	86.00
20. Mine M. Masuyama	86.00
21. Carol M. Maxwell	86.00
22. Ernest T. Uyetake	86.00
23. Jeanne M. Anderson	85.00
24. J. Calvin Harberts	85.00
25. Jack E. Conley	85.00
26. Thelma D. Ing	85.00
27. Inez Ishikawa	85.00
28. Richard K. Shiozaki	85.00
29. Kenneth C. Hee	84.00
30. Ernest N. Heen, Jr.	84.00
31. Rufus C. Longmire	84.00
32. Bernard W. C. Loo	84.00
33. Shizuo Najita	84.00
34. Muriel K. Otani	84.00
35. Stanley T. Shioi	84.00
36. Pauline B. Adler	83.00
37. Juvenal G. Coito	83.00
38. Angeles A. Fernandes	83.00
39. James K. Hayase	83.00
40. Boniface C. Leong, Sr.	83.00

	<u>Name</u>	<u>Grade</u>
41.	Richard McCandless	83.00
42.	Patricia Seixas	83.00
43.	Thomas Smith	83.00
44.	Herbert K. Horita	82.00
45.	Maxie K. Morinaga	82.00
46.	Harvey H. Nakagawa	82.00
47.	Makoto Nakamura	82.00
48.	James H. Okahata	82.00
49.	Francis T. Tamura	82.00
50.	Donald R. Falk	81.00
51.	Clarence W. H. Fong	81.00
52.	Roy S. Sumida	81.00
53.	Agnes M. Devereux	80.00
54.	George L. Elliot	80.00
55.	Henry Haitzuka	80.00
56.	Herbert V. Thomas	80.00
57.	John Yoshikawa	80.00
58.	Robert M. Church	79.00
59.	Walter S. Y. Lai	79.00
60.	Annabelle Y. Lau	79.00
61.	Dorothy Love	79.00
62.	Kenneth T. Muranaka	79.00
63.	Sakaye T. Oda	79.00
64.	Dorothy Y. Tokura	79.00
65.	Lawrence M. Templeton	79.00
66.	Eve Upham	79.00
67.	Eloise R. Bodiford	78.00
68.	Mildred A. Coito	78.00
69.	Jesse N. Dela Cruz	78.00
70.	J. Donovan Flint	78.00
71.	Zensaku Tokita (Kauai)	78.00
72.	James Tsutsui	78.00
73.	Shigeo Hanzawa	77.00
74.	Charles F. Neumann	77.00
75.	Gilbert Y. Uyehara	77.00
76.	Richard S. Bechert	76.00
77.	Augusta-Helen Bento	76.00
78.	Elizabeth J. Kaulukukui	76.00
79.	George C. Medary	76.00
80.	Franklin M. Metzger	76.00
81.	Dorothy K. Blackman	75.00
82.	Theodore L. Bush	75.00
83.	James T. Dilwith	75.00
84.	Joseph K. Maunupau	75.00
85.	Barbara J. Shanahan	75.00
86.	Porfirio C. Tupinio	75.00

The following salesmen failed to qualify in the examination:

	<u>Name</u>	<u>Grade</u>
1.	Dora Choy	73.00
2.	I. Welter Furuya	73.00
3.	Arthur W. Kahalewai	73.00
4.	Romualdo S. Manuel	73.00
5.	Haruo Najita	73.00
6.	Frances Schuman	73.00
7.	Lurline Siu	73.00
8.	Adelino Coito	72.00
9.	Rikio Watanabe	72.00
10.	Roy D. Yamanaka	72.00
11.	Robert K. Bayless	71.00
12.	Juanita M. Cooper	71.00
13.	Nana Gaddis	71.00
14.	Charles D. Gueco	71.00
15.	Nancy T. Silva	71.00
16.	Betty R. Brace	70.00
17.	Violet Downey	70.00
18.	William N. Sugimoto	70.00
19.	Thomas Takeuchi	70.00
20.	Irma S. Agard	69.00
21.	George S. Helm	69.00
22.	Ted Koizumi	69.00
23.	Wing Chow Kong	69.00
24.	Antonio Mirafuentes	69.00
25.	Tito Mirafuentes	69.00
26.	John C. S. Young	69.00
27.	Laurita B. Brooks	68.00
28.	Shiro Fujitani	68.00
29.	Herman P. Ing	68.00
30.	Donald F. Nugent	68.00
31.	Homer E. Bray	67.00
32.	Wing Kong Chang	67.00
33.	William K. Fujita	67.00
34.	Richard T. Nakagawa	67.00
35.	Albert K. Y. Kong	66.00
36.	Pamela S. Anderson	65.00
37.	Loreano P. Mirafuentes	65.00
38.	Robert S. Miyaki	65.00
39.	William K. W. Pang	65.00
40.	Yoshio Onaga	64.00
41.	Harry S. Okamoto	63.00
42.	William C. Y. Yee	63.00
43.	Andrew K. Aiu	62.00
44.	John S. Ayamo	62.00
45.	William A. McMurray	62.00
46.	George F. Sheridan	62.00

	<u>Name</u>	<u>Grade</u>
47.	Mary Y. Y. Au	60.00
48.	Mainara D. Austin	60.00
49.	Manuel P. Silva	60.00
50.	Archibald Mark	59.00
51.	Ray T. Sarmiento	59.00
52.	Matsuichi Shimabukuro	56.00
53.	Bert Shimazu	56.00
54.	Edith L. Claus	55.00
55.	Harold N. Okawa	55.00
56.	Edward P. Cabral	54.00
57.	Robert S. Murakami	54.00
58.	Joseph C. Sakugawa	53.00
59.	Henry K. Ako	52.00
60.	Becky Jeffers	51.00
61.	Herbert A. Moreira	49.00
62.	Bernard M. Peterson	46.00
63.	Joseph M. Amiel	44.00
64.	David C. W. Au	43.00
65.	Richard J. Fontes	42.00
66.	Adolph Batinga	39.00
67.	Kazukiyo Kuvata	38.00
68.	Pablo S. Cortez	30.00
69.	Josephine Olayan	30.00

There was a total of 47 broker candidates present at the examination place. For the purposes of review, only 46 could be considered at this time. A broker candidate, Mr. David F. Lee, realized at the end of the examination that he had completed a salesman's examination. Administratively, it has been decided that Mr. Lee be given an opportunity to complete a broker examination on a date convenient to the Executive Secretary. Out of the total of 46 applicants, 7 successfully attained a grade of 35% and above and 39 failed to qualify.

A lengthy discussion ensued on the merits and demerits of adopting the Harvard curve or retaining the current Commission practice of attainable minimum passing grade of 75% for salesmen and 85% for brokers. Mr. Yamamoto based his reasoning that since such a small percentage had successfully passed the May 5th examination, to be exact 15%, the Commission could exercise some degree of flexibility in lowering the passing grade to 30% so that additional candidates may be considered for further testing. In rebuttal, Mr. Clarke strongly emphasized the advisability of strictly adhering to past Commission policy to the established passing percentages. Serious consideration and exploration should be given before attempting to change our present method of passing percentage scoring. As far as lowering the percentage down to 30% and perhaps include 10 additional candidates, Mr. Clarke stated he would like to go on record as remaining neutral on the matter.

After a considerable period of deliberation and discussion on the task of testing and examination scoring and rating, the Commissioners arrived at a suggested policy of scoring and rating successful applicants for the licenses of a real estate broker and salesman. Commissioner Clarke moved and Commissioner Yamamoto seconded, and carried, that the following policy be set down as a matter of record and that such suggested policy would be reported to the Chairman, Mr. Magoon, for his consideration and there being no objection of said suggested policy, the procedure set forth below is to be followed:

For qualifying for broker's license, the test scoring range representing the total taking the examination be set at no less than 15% and no more than 25% of the candidates for broker's examination.

For qualifying for a salesman's license, the test scoring range representing the total taking the examination be set at no less than 25% and no more than 40% of the candidates for salesman's examination.

In any case where the total results do not follow within the range set forth above, the test results will be referred to the Commission for consideration.

It was further unanimously voted for this examination only that broker candidates as far down as 80% be given another examination. The Executive Secretary will prepare the questions to the members for their approval.

The following candidates have been considered in the "twilight zone."

	<u>Name</u>	<u>Grade</u>
1.	Edith Kemble	84.00
2.	James T. Morioka	83.00
3.	John M. Urner	82.00
4.	Avon C. Y. Yap	82.00
5.	Yoon Cho H. Chung	81.00
6.	Jack G. Nosaka	81.00
7.	Chozen Kanetake	80.00
8.	Charles N. Kimura	80.00
9.	Wallace H. W. Look	80.00
10.	Leighton S. C. Louis	80.00

Commissioner Clarke moved, seconded by Commissioner Yamamoto, and carried that the 7 successful broker applicants and 29 who failed be notified right away. Broker applicants who did not qualify will be sent the same type of form letter mailed out to the salesmen (see attached sample of form letter).

The following brokers who qualified in the examination were as follows:

	<u>Name</u>	<u>Grade</u>
1.	Amos A. Nakamura (Hawaii)	89.30
2.	Josephine M. Hudson	88.00
3.	John F. Bucca	86.00
4.	Mary Jane Hearn	86.00
5.	Edward M. Nakamura	86.00
6.	Francis I. Tsuzuki	86.00
7.	Frank S. Yamamoto	86.00

The following brokers failed to qualify in the examination:

	<u>Name</u>	<u>Grade</u>
1.	William M. Cox	79.00
2.	Kenneth Kawazoe	79.00
3.	Gerald L. Bolton	78.50
4.	D. C. Ching	78.00
5.	Larry N. Kuriyama	78.00
6.	Justine Maehler	78.00
7.	Ralph W. Miller, Jr.	78.00
8.	Robert B. Mew	77.50
9.	Benjamin L. Akana	77.00
10.	Soon Ho Chun	77.00
11.	John A. Eagle	77.00
12.	Pauline D. McLaughlin	77.00
13.	Imola I. Church	76.00
14.	Whitney H. Oyama	76.00
15.	Walter C. Wiskow	76.00
16.	Mary P. Rich	75.00
17.	Ernest A. Ross	72.00
18.	Patrick M. Murphy	71.00
19.	Arnida B. Smith	71.00
20.	Violet C. King	70.50
21.	Calvin K. C. Lum	68.00
22.	Robert W. Chalmers	64.50
23.	William A. Wong	64.00
24.	Ricarte G. Gutierrez	63.00
25.	Irene D. Wiskow	63.00
26.	Edward Y. F. Tseu	59.00
27.	Stanley M. Sabihon	56.00
28.	Harriet Pollock	53.50
29.	Thomas J. Soper	44.00

Rehearing and Reinstatement Requests

The Executive Secretary for the record apprised the members that the Commission has on file rehearing requests from attorneys retained

by Mr. John C. Lipham, Pacific Isles, Ltd., and Mr. Charles F. Brown. There is also a letter petitioning the reinstatement of his broker's license by Mr. Alfred H. Shuttlewood.

It was unanimously moved that the above cases be presented for consideration when there is a full membership of the Commission present at the meeting.

Adjournment

There being no further business to discuss, the meeting was adjourned at 1:40 p.m.

Respectfully submitted,



Robt E. Bekeart
Executive Secretary

REB:etk