

SUMMARY OF PROCEEDINGS
TENTH MEETING OF 1960
REAL ESTATE LICENSE COMMISSION
DEPT OF TREASURY AND REGULATION
STATE OF HAWAII
205 Empire Bldg., Honolulu 13, Hawaii

October 26, 1960

Chairman Aaron M. Chaney called the meeting to order at 1:00 p.m., October 26, 1960, at the Senate Chambers, Iolani Palace.

Present were: Aaron M. Chaney, Chairman
Dorothy S. Ahrens, Member
James C. Ching, Member
Charles C. Cross, Member
Erling P. Wick, Member
Hirotoshi Yamamoto, Member
Robt E. Bekeart, Executive Secretary
Hannah Furuta, Recording Secretary
Dick O. Okaji, Investigator

ORDER OF BUSINESS

MINUTES OF PREVIOUS MEETING

One correction on page four, first paragraph, of minutes recorded for October 4, 1960 meeting to read "Mr. Charles Cross moved to deny..." was made. With the one exception, the minutes of the October 4, 1960 minutes were approved as circulated.

FISCAL REPORTS

Mrs. Ahrens moved for acceptance of the financial report of the Commission for the month of September 1960. Mr. Wick seconded the motion, passed unanimously.

The summary of proposed budget for fiscal year 1961-1962 for the Real Estate License Commission prepared by staff was presented to Commission for study and action. After a brief discussion Mr. Cross moved, seconded by Mrs. Ahrens, that the budget as presented be approved. Motion carried.

CONFIRMATION OF TENTATIVE BROKERAGE LICENSES ISSUED

Mr. Ching moved, seconded by Mrs. Ahrens, that the following brokerage licenses issued under tentative approval by Executive Secretary be recorded as officially approved as follows:

KAISER HAWAII KAI DEVELOPMENT CO. - Clair J. DeVault, Prin. Bkr
ANN FELZER, LIMITED - Ann Felzer, Principal Broker
KENNETH W. ING REALTY, INC. - Kenneth W. Ing, Prin. Bkr.
Kathryn R. Evarts dba K. GREGG ASSOCIATES
GLOBE REALTY CORPORATION - Change of Corporate Name from
Kinji, Limited

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BRANCH OFFICE LICENSE

Mr. Cross moved, seconded by Mrs. Ahrens, that branch office license be granted HAWAII HOUSING CORPORATION - Albert K. Tada, Broker in Charge - 45-118 Kam Highway, Kaneohe

PERMANENT CERTIFICATE AND RENEWAL PROJECTS

Executive Secretary informed the members of a circular received from the Department of Treasury and Regulation wherein the Treasurer recommended that we cease the practice of issuing annual certificates and henceforth issue permanent certificates. He presented a sample of a broker license certificate which staff recommends and a similar construction for salesman certificate of a smaller size. Chairman gave a brief history on the Commission's efforts in the past to effect a permanent certificate but this change was never accepted because of the question of legality of such a certificate. Upon checking with assigned counsel, Deputy Attorney General Arthur S. K. Fong, Commission was advised that there is no provision in the licensing statute for a license certificate and in the absence of such a requirement the Commission is free to adopt any type of certificate. The ownership of the certificate was discussed. Mr. Fong's suggestion was that language be written into the certificate to serve notice that the certificate remains the property of the State, that it is valid and in force only upon compliance with the other provisions of the Chapter and that the identification card would be the control factor in the license being current and valid. Staff was directed to construct a certificate incorporating counsel's suggestions and present a proof at the next meeting for consideration. Chairman added that the certificate should have dignity of appearance even at the cost of paying a little more.

Chairman reminded staff of the approaching renewal period and urged that staff make an early start of necessary preparation. Mr. Wick suggested a target date of November 15th for mailing out renewal notice to licensees. Staff was directed to comply with the date set.

POLICY OF INFORMING SURETY RE HEARING PROCEEDINGS AGAINST LICENSEE

Commission adopted a policy of informing the surety for licensee involved in the event of any hearing proceedings against him. The reasoning for this policy, as recommended by the Staff, being that once a complaint is set down for a formal hearing the surety agent can appear at the hearing, monitor the proceedings and be in a better position to effect a pay-off on the bond if the respondent licensee is found to be in violation. Realizing that the bond is to give additional protection to the public, the Staff recommends that every obstacle should be removed from public's path which would hinder the complainant's chances of getting early monetary award for a wrong done by a licensee. Naturally, the feeling is that it is not fair to make the public bring suit in order to collect on the bond. This recommendation of policy would effect a speedy and fair disposal of legitimate claims against bonds. (pp 23-77 Bond Discussion: Proceedings, 26th Annual NALLO Convention, Statler Hotel, Cleveland, Ohio, Nov 2,6,1954)

HONOLULU REALTY BOARD'S 5th EDUCATIONAL CONFERENCE

Chairman directed, with the concurrence of the membership, that the following members of the staff attend the 5th Educational Conference of the Honolulu Realty Board on October 26-28, 1960: Mr. Bekeart, Mr. Okaji, Mr. Ono and Mrs. Furuta.

IN THE MATTER OF REAL ESTATE LICENSE COMMISSION vs RICHARD T. AZAMA

Regular meeting was recessed at 2:00 p.m. to allow the scheduled formal hearing to proceed.

RICHARD T. AZAMA qualified in the July, 1960 real estate salesman examination. However, the Commission at its regular monthly meeting on October 4, 1960 reviewed the report from the Bureau of Crime Statistics and Identification, Department of Attorney General, and denied the issuance of a salesman license under Sec. 170-7(b), Revised Laws of Hawaii, 1955.

On October 11, Walter G. Chuck, counsel for Mr. Azama requested reconsideration by the Commission. As a result, a hearing was scheduled for Wednesday, October 26, 1960 at 1:00 p.m. at the Senate Chambers, Iolani Palace.

The Commission upon due deliberation decided to issue a salesman license to Mr. Azama and directed staff to notify respondent to that effect.

Mr. Azama was represented by Mr. Chuck and the Commission by its counsel, Arthur S. K. Fong, Deputy Attorney General. Six members of the Commission were present at the hearing: Messrs. Chaney (Chairman), Cross, Wick, Yamamoto, Ching and Mrs. Ahrens. Also present were the members of the staff, Messrs. Bekeart, Okaji, Ono and Mrs. Furuta.

Regular meeting reconvened at 3:30 p.m. at the conclusion of formal hearing.

32ND ANNUAL NALLO CONFERENCE IN DALLAS, TEXAS

Executive Secretary informed membership of staff's action and efforts in seeking approval of Treasurer and Governor's Office for the seven members and himself to attend the annual conference. He explained that the department head endorsed the request recommending approval and it was now in the hands of the Governor where it was awaiting final action. It was suggested that Chairman and one member make a personal appeal to the Governor, and Mr. Chaney and Mr. Wick immediately proceeded to Executive Chambers to seek approval. Upon conferring with Mr. Leo Pritchard, Administrative Assistant to the Governor, and receiving approval with the recommendation that we keep the size of the delegation to a minimum, it was agreed that the Chairman, Mr. Kashiwa, Mr. Ching, Mr. Wick and the Executive Secretary make the trip. Mr. Cross and Mrs. Ahrens waived the opportunity to be included in the delegation. There was an understanding to the effect that those who

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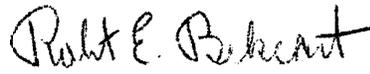
did not attend the Dallas conference would receive first consideration when delegates were nominated to attend the 1961 conference in Las Vegas, Nevada. Commissioner Yamamoto stated that he could not attend because of other previous commitments.

OCTOBER SALESMAN EXAMINATION RESULTS

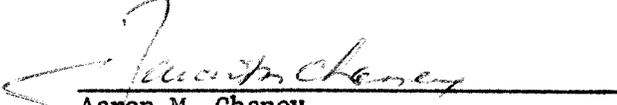
Commission voted to approve for passing as qualified as salesman, the following candidates: from the staff prepared report, candidates No. 1 thru 46, as well as #49, #76 thru #83, #120, #121, #122, #159.

The meeting was declared adjourned at approximately 4:30 p.m.

Respectfully submitted,


Robt E. Bekeart
Executive Secretary

APPROVED:



Aaron M. Chaney
Chairman