

REAL ESTATE COMMISSION
Professional & Vocational Licensing Division
Department of Regulatory Agencies
State of Hawaii

MINUTES OF MEETING

Date: Thursday, July 31, 1975

Place: Board Room, Department of Regulatory Agencies
1010 Richards Street, Honolulu, Hawaii

Present: Douglas R. Sodetani, Chairman
Herbert S. Isonaga, Vice Chairman
Mrs. Mary V. Savio, Member
Tadayoshi Ishizu, Member
Ah Kau Young, Member

Clyde E. Sumida, Deputy Attorney General
Ailan Kawada, Deputy Attorney General
Yukio Higuchi, Executive Secretary
Mrs. Karen Hirota, Clerk-Stenographer

George "Red" Morris, Executive Vice President of Hawaii Assn.
of Realtors
Dean David Heenan, School of Business Administration
Durrel Robison, Respondent
Lew Nevels, Jr., Attorney for Respondent
Patrick M. Miyashiro, Applicant for salesman examination
Herbert Chun, Principal Broker, Representing Patrick Miyashiro
Galen Yuruki, Pres. of The Land Broker, Ltd., Representing
Patrick Miyashiro
Rod Burgess, Rod Burgess Realtors, Inc., Applicant for branch
office
Albert Kanahele, Broker-In-Charge, Rod Burgess Realtors, Inc.
Milton M. Motooka, Pres. of Hawaii Assn. of Real Estate Schools
John Reilly, John Stapleton School of Real Estate
Mrs. Mary Shern, Mary Shern School of Real Estate

Absent: John M. Urner, Member
John D. Texeira, Member

Called to Order: There being a quorum, Chairman Sodetani called the meeting
to order at 9:00 a.m.

Minutes: Mary Savio moved and Ah Kau Young seconded to approve the
minutes of the June 26, 1975 meeting as circulated. Motion
unanimously carried.

Executive Secretary reported that the agenda for the July 31, 1975
meeting has been filed with the Lt. Governor's office on
July 24, 1975.

Hearing:

Discussion on Exceptions Filed by Durrel Robison, RE-547

Executive Secretary read a letter dated May 13, 1975, sent to Durrel Robison notifying him that he has 15 days from the date of receipt of the hearing officers' report to file his exceptions.

On May 19, 1975, the Executive Secretary received Robison's exceptions and acknowledged receipt by letter dated July 10, 1975. Robison was notified that the Commission would be discussing his exceptions at its meeting of July 31, 1975.

Allan Kawada, Deputy Attorney General, presented the Commission with Clyde E. Sumida's Response of Department To Respondent's Exceptions dated July 30, 1975.

Attorney Law Nevels requested some time to review the response that was submitted by the Attorney General's Office. Chairman Sodeani continued the discussion to August 28, 1975, at 9 a.m.

Committee
Reports:

Real Estate Education Advisory Council

Milton Motooka, President of the Hawaii Association of Real Estate Schools, reported to the Commission that their association will be submitting a proposed school evaluation format to the Commission for their consideration. He also reported that their association will be submitting their recommendations for amending the Commission's rules and regulations (Chapter 20) at the next meeting.

Applications for Real Estate Instructors Certificate

Daniel Chadwick - (Broker & Salesman Instructor)
University of Hawaii

Mary Savio moved and Herbert Isonaga seconded to approve the application of Daniel Chadwick. Motion unanimously carried.

Eugene Despain - (Broker & Salesman Instructor)
Vitousek Real Estate Schools

Mary Savio moved and Ah Kau Young seconded to approve the application of Eugene Despain. Motion unanimously carried.

Real Estate Education Fund Budget for 1975-1976

Executive Secretary reported that the budget was approved by the Director with the following exceptions of two items:
(1) Chair - \$50,000 and (2) Consultant - \$30,000.

It was further reported that Herbert Isonaga, Mary Savio and the Executive Secretary met with the Director in his office to discuss the budget. Herbert Isonaga reported that he is working with Mary Savio on the project of hiring the educational consultant.

Chairman Sodetani requested a report on the hiring of the educational consultant by the next meeting.

Continuing Education

Executive Secretary reported that he submitted a report on June 16, 1975 to the Director requesting approval to proceed with the project of starting up a continuing education.

The Director gave his approval with the understanding that the Commission send the agreement over to the Attorney General's Office for review and approval. (A copy of the agreement and the Director's approval notice will be sent to the Attorney General's Office for signature.)

Hiring of Educational Consultant

Herbert Isonaga reported that he met with Ronald G. Li as to what his functions will be and what he is to accomplish. Ronald Li developed a budget based on a full-time consultant which amounted to approximately \$41,000, not including travel expenses.

Herbert Isonaga moved and Mary Savio seconded that the Commission proceed with the project of hiring of an educational consultant and that it be a full-time position and a proposed budget of \$45,000 be considered. Motion unanimously carried.

Real Estate Chair

Dean David Heenan appeared before the Commission to give some idea as to what the duties of the Real Estate Chair would be. Dean Heenan mentioned three things: (1) offer non-credit type of courses, (2) what the Commission's problems are, and (3) action research.

Chairman Sodetani requested that Dean Heenan work with Mary Savio and Herbert Isonaga to see how much time should be spent for the Commission.

Executive Secretary suggested that the Dean look over the old agreement that was submitted and draft a new one.

Phase of Film "On the Move"

~~purchase~~
Executive Secretary reported that he had no further report at this time.

Book Donations

Executive Secretary reported that the Commission made the initial donations and in approximately six months, the Commission will be able to make another donation. Mary Savio was requested by the Executive Secretary to submit a list of books to be donated and the price list.

Re-accreditation of Mary Shern's Home-Study Program

Mrs. Mary Shern presented to the Commission copies of her background of the home-study program. She requested approval to continue her home-study courses for the December examination.

Mary Savio moved and Ah Kau Young seconded the approval for the continuation of home-study and personal supervision classes to the December 1975 examination. Motion unanimously carried.

Condominium Review Committee

Study on "Time Sharing" Legislation

Executive Secretary reported that John Urner has been having meetings with his committee regarding "time sharing" and is making some progress.

The Chair directed Executive Secretary to inform Dennis Yamada that the Commission referred this matter to the Condominium Review Committee and that John Urner, who is the Chairman, is authorized to answer any questions on this matter.

Study on Condominium Problems

Mary Savio reported that the Committee was formed and already held a meeting.

Legislation Committee

Chairman Ah Kau Young informed that he had no report at this time.

Real Estate Recovery Fund

Executive Secretary reported that no recovery was made for awhile and the fund is continuing to grow.

Luncheon Recess: Chairman Sodevani called a luncheon recess at 11:30 a.m.

Reconvene: Chairman Sodevani reconvened the meeting at 1:28 p.m.

Herbert Isenaga did not return to meeting as he was excused by the Chairman.

Attorney General's Report

Deputy Attorney General Allan Kawada had no report to make, except for some information regarding Prepaid Rental Occupancy.

Business Out
of Minutes:

Questionable Applications

Calvin W. Ontai, Applicant for Real Estate Broker License

Executive Secretary reported that he has not received a hearing report from the Deputy Director, who acted as the hearing officer on this matter.

Violet C. King, Applicant for Real Estate Broker License

Mrs. Violet C. King appeared before the Commission and submitted to the Commission some xerox copies of her qualifications to show that she has not been out of real estate activity.

Executive Secretary reported that the Commission cannot deny her a waiver of the educational requirements because she has satisfied the requirements for waiver of the educational requirements by completing all six GRI courses.

Mary Savio moved and Tadayoshi Ishizu seconded to approve the educational requirements for Violet C. King, but not the examination requirement. Motion unanimously carried.

Members voted were: Douglas Sodetani, Tadayoshi Ishizu, Mary Savio and Ah Kau Young.

Patrick M. Miyashiro, Applicant for Real Estate Salesman License

Patrick M. Miyashiro appeared before the Commission for an informal hearing and presented his case.

After some discussion, Mr. Galen Yuruki, President of The Land Brokers, Ltd., spoke on behalf of the applicant and informed the Commission that it was his company's negligence for the late filing. Herbert Chun, Principal Broker of The Land Brokers, Ltd., also spoke on behalf of the applicant, explaining the mitigating circumstances that led to the late filing of Miyashiro's application for license.

Mary Savio moved and Ah Kau Young seconded to grant the salesman's license to Patrick Miyashiro. Motion unanimously carried.

Members voted were: Douglas Sodetani, Tadayoshi Ishizu, Mary Savio and Ah Kau Young.

Rod Burgess Realtors, Inc., Branch Office #1

The Executive Secretary advised the Commission as to the reason Rod Burgess was appearing before the Commission. At its June 26, 1975 meeting, the Commission approved the branch office application of Rod Burgess Realtors, Inc. Immediately after the June meeting, Rod Burgess' office called to inquire as to what action was taken by the Commission on their application, and they were informed by the Executive Secretary that their application was approved. About a week later, the Licensing Branch staff called the Executive Secretary's attention to the policy adopted by the Commission at its April 24, 1975. The policy in brief, stated that the Commission will not issue a new branch office to any licensed corporation or broker who has the word "Realtor" in its name, unless said licensee changes his name by removing the word "Realtor". Inasmuch as, the action taken by the Commission at its June 26, 1975 meeting was contrary to the policy adopted by the Commission at its April meeting, the Executive Secretary withheld the issuance of a branch office license. Rod Burgess had been notified of the action being taken by the Executive Secretary.

Rod Burgess appeared before the Commission to request that his branch office license be issued under the name of "Rod Burgess Realtors, Inc.", and he be allowed to operate under that name until December 31, 1976, at which time, he will change his corporate name to delete the word "Realtor".

Deputy Attorney General Clyde Sumida informed that from a legal standpoint, it is purely a policy of the Board and not a rule.

Mary Savio moved and Tadayoshi Ishizu seconded that the Commission write to Rod Burgess that it is a matter of policy of the Commission to recommend the name "Realtor" not be used as part of the name, and that he change his name by January 1, 1976. Motion unanimously carried.

Members voted were: Douglas Sodetani, Herbert Isonaga, Mary Savio, Tadayoshi Ishizu, Ah Kau Young.

Edward Bendet's Request for Registration of Agricultural Condominium

Executive Secretary reported that he called Arthur Muraoka of the Department of Land Utilization, City and County of Honolulu, who explained that they cannot stop the proposed project as long as they don't legally subdivide the parcel of land.

Chairman Sodetani suggested that the Executive Secretary reply to Edward Bendet informing him that the Commission does not approve of the idea but there is no legal way the Commission can deny registration of the project.

Ah Kau Young so moved and Tadayoshi Ishizu seconded.
Motion unanimously carried.

Members voted were: Douglas Sodetani, Mary Savio, Tadayoshi Ishizu, Ah Kau Young.

Investigations: RE-518 Singleton Associates

Executive Secretary reported that copies of the hearing officers' report on the matter was mailed to the Commission members, complainant, respondents, and Deputy Attorney General. After 15 days have elapsed, the Commission may take action on the matter.

RE-528 Durrel Robison

Executive Secretary reported that he wrote to the Hiserotes on June 25, 1975 and has not received any word as yet. He suggested that the hearing be closed, since the Hiserotes will not be able to appear before the Commission at their own expense.

Mary Savio moved and Tadayoshi Ishizu seconded to close the hearing. Motion unanimously carried.

Members voted were: Douglas Sodetani, Mary Savio, Tadayoshi Ishizu, Ah Kau Young.

RE-547 Durrel Robison

(See information contained under the heading of "Discussion on Exceptions Filed by Durrel Robison - RE-547")

RE-577 Masao Shintani

Executive Secretary reported that he was not able to write a hearing notice for this case.

RE-593 Jerry A. Ching

Executive Secretary reported that he was not able to write a hearing notice for this case.

RE-595 Empire Properties, Inc.

Executive Secretary reported that he was not able to write a hearing notice for this case.

RE-596 Harold Basker

Executive Secretary recommended that the Commission notify the Skillings that the Commission feels that there was poor communication between Harold Basker and Skillings, but the Commission found no violation on the part of Harold Basker, and that the case be dismissed.

Ah Kau Young so moved and Mary Savio seconded. Motion unanimously carried.

Members voted were: Douglas Sodehani, Mary Savio, Tadayoshi Ishizu, Ah Kau Young.

Herbert Isonaga returned to the meeting at 3:00 p.m.

New Business:

Licensing

CORPORATIONS:

- Blanco Corp. - 925 Bethel Street, #304, Honolulu
Joseph F. Blanco-PB
- Brookman & Associates, Inc. - 1207 Limahana Pl., Lahaina
John Brockman-PB
- Century Center Ltd. - 225 Queen St., #100, Honolulu
Gregory C. Moix-PB
- Cowell, Freeman & Partners Ltd. - 745 Fort St., #1414, Honolulu
Don R. Cowell-PB
- Gateway Properties Inc. - 1060 Bishop St., #301, Honolulu
Vernon N. K. Chock-PB
- Hawaii Housing Rental Locater Inc. - 1136 Union Mall, #800
Milton B. Crotts-PB Honolulu
- McCormack Management Group Ltd. - 841 Bishop St., #2000,
Joann Stewart-PB Honolulu
- Marlin Plaza Inc. - Marlin Plaza Shopping Ctr., Kailua-Kona
Clara T. Patterson-PB
- Oahu Land Corp. - 23 S. Vineyard Blvd., Honolulu
Fred H. C. Lum-PB
- Valley Associates Inc. - 190 S. King St., #1818, Honolulu
Kikuo Yanagi-PB
- Waterfront Properties Inc. - 4614 Kilauea Ave., Ground Flr.,
Virginia J. Sinsabaugh-PB Honolulu
- Westward Ho Realty Inc. - 2828 Paa St., #2035, Honolulu
Arthur L. Handley, Jr.-PB

Ah Kau Young moved and Tadayoshi Ishizu seconded to approve the applications subject to checking the applications for: Cowell, Freeman & Partners Ltd., and McCormack Management Group Ltd. Motion unanimously carried.

Members voted were: Herbert Isonaga, Mary Savio, Tadayoshi Ishizu, Ah Kau Young.

BRANCH OFFICE:

Pea Pea-Kahala Realty, Br-1 - 4211 Waiialae Ave., #306, Honolulu (Anna L. Morris, dba)

Herbert Isonaga moved and Ah Kau Young seconded to approve the application for branch office. Motion unanimously carried.

Members voted were: Herbert Isonaga, Mary Savio, Tadayoshi Ishizu, Ah Kau Young.

TRADE NAMES:

Landman of the Pacific - 20 Haili St., Hilo
 Norman D. Frane, dba
 Leo Borovskis Realty - 121 Eleu Pl., Kihei
 Leo Borovskis, dba
 Jerry Brennan - 2828 Paa St., #3190A, Honolulu
 Gerald W. Brennan, dba
 Bob Lloyd Realty - Koloa Rd., Box 996, Koloa
 Robert W. Lloyd, dba
 OCD Realty - #204 Waimea Village Inn, Kamuela (formerly used
 John S. Rickard, Jr., dba by Organized Capital
 Development Corp.)
 Data Realty Hawaii - 324 Kamani St., Honolulu
 Vernon M. Miura, dba

Ah Kau Young moved and Tadayoshi Ishizu seconded to approve all applications for trade names. Motion unanimously carried.

CHANGE OF NAME:

Target Realty Inc. - 35 Kainehe St., #104, Kailua (formerly
 Robyn L. Kaauwai, PE Floral Realty, Inc.)

Ah Kau Young moved and Tadayoshi Ishizu seconded to approve the application for change of name. Motion unanimously carried.

PAST 1-YR. DEADLINE:

Harold P. Luscomb - took 7/6/74 exam, applied for license 7/8/75
 Stanford M. Dobashi - took 7/6/74 exam, applied for license 7/10/75
 Ellen L. Ho - took 7/6/74 exam, applied for license 7/10/75
 Aixa B. Lau - took 7/6/74 exam, applied for license 7/15/75
 Tad T. Miura - took 7/6/74 exam, applied for license 7/15/75

Mary Savio moved and Herbert Isonaga seconded that we deny all the applications for late filing. Motion unanimously carried.

Questionable Application

Milton K. S. Von, Applicant for Real Estate Broker License

Executive Secretary advised the Commission that Milton Von had indicated on his application that he has been charged with a Federal violation in connection with the Ala Wai Cove case, but the case is still pending in court.

Executive Secretary suggested the approval of Milton Von's application inasmuch as Von became a licensed salesman two years after the Federal charges were filed.

Herbert Isonaga moved and Ah Kau Young seconded. Motion unanimously carried.

Miscellaneous: Milton Motooka's Proposed Development Method on Ainalanikai Beachfront Condominium

Executive Secretary circulated to the Commission copies of Milton Motooka's proposed developments.

Chairman Sodetani suggested that Milton Motooka and his attorneys work closely with the Executive Secretary. The Commission informed him that he has to provide the proper documentations before we will register his project.

1976 Real Estate Examination Schedule

The Executive Secretary requested that the Commission establish the examination dates for the Calendar Year of 1976. However, before the Commission set the dates, the Executive Secretary requested that the Examination Branch and the Licensing Branch be given an opportunity to submit their suggested dates and if they do not have any suggestions for the 1976 examination schedule, the Commission could use the same months as used in 1975. Chairman Sodetani agreed to wait until the next meeting to set the examination dates for 1976.

Correspondence: Elroy T. L. Osorio's Letter Requesting Permission to Allow Andrew Loo and Motoshi Sako to Retake the School's Final Examination

Chairman Sodetani directed the Executive Secretary to advise Mr. Osorio that the Commission has no jurisdiction in this matter and that he would have to make his own decision as to whether his students are qualified to receive their completion certificates for the broker course.

Ah Kau Young moved and Herbert Isonaga seconded. Motion unanimously carried.

Members voted were: Douglas Sodetani, Herbert Isonaga, Mary Savio, Tadayoshi Ishizu, Ah Kau Young.

Date of Next Meeting: Thursday, August 28, 1975, at 9 a.m.

Adjournment: There being no further business, Chairman Sodetani adjourned the meeting at 4:15 p.m.

Taken and recorded by:

Karen Hirota
Karen Hirota, Clerk-Stenographer

Approved by:

Yukio Hig
YUKIO HIG
Executive Secretary