

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

MINUTES OF MEETING

Date: Tuesday, November 29, 1977

Place: 4th Floor, Ethics Commission Conference Room (403)
1010 Richards St., Honolulu, Hawaii

Present: Ah Kau Young, Chairman
Tadayoshi Ishizu, Member
Edwin H. Shiroma, Member
John M. Urner, Member

Yukio Higuchi, Executive Secretary
Saeko Whang, Secretary
Russel Nagata, Deputy Attorney General
R. Brian Tsujimura, Deputy Attorney General

Joseph Choy, Director, Small Business Management Program, U. of H.
Raymond W. S. Chun, Applicant for Restoration of Forfeited License
Agnes L. Eberhart, Applicant for Restoration of Forfeited License

Absent: Mary V. Savio, Vice Chairwoman - Excused
Ralph S. Yagi, Member - Excused

Call to Order: There being a quorum, Chairman Young called the meeting to order at 9:25 a.m.

The Executive Secretary apprised that the agenda for today's meeting was filed on Wednesday, November 23, 1977 at the Lt. Governor's office in compliance with the Sunshine Law.

Minutes: Edwin Shiroma moved and John Urner seconded to approve the minutes of October 28, 1977 as circulated. Motion carried unanimously.

Committee Reports: Real Estate Education Advisory Council

Application for Accreditation of Ikeda School of Real Estate

John Urner moved and Edwin Shiroma seconded to defer this matter until Mary Savio, Educational Advisory Committee Chairman, has an opportunity to review the additional information submitted, and await her recommendation. Motion carried unanimously.

Thomas A. Bodden's Application for Real Estate Instructor's Certificate

In light of Joseph Choy's favorable recommendation, Edwin Shiroma moved and John Urner seconded to approve application of Thomas A. Bodden for real estate instructor's certificate. Motion carried unanimously.

Establishment of Real Estate Chair at U. of H.

This matter was deferred to afternoon session due to Professor Donald Bell not being able to be present until after 3:00 p.m.

Commission Sponsored Day Seminars

Edwin Shiroma moved and Tadayoshi Ishizu seconded to approve payments of approximately \$2,841.11 on the Estate Planning and Probate Sales seminars held on different islands. Motion carried unanimously.

Director Joseph Choy reported the seminars are worthwhile programs and would like to continue and that they are keeping their eyes open for qualified guest speakers for its future seminars.

S.B.M.P. Advanced Real Estate Courses

Joseph Choy reported that they are still developing these courses. He requested that the Educational Committee meet soon concerning putting some criterias together. He was requested to contact the Executive Secretary when he is ready to meet with the Educational Committee.

Laws and Rules Review Committee

Edwin Shiroma announced that there will be no December Rules Committee meeting. The next meeting is scheduled for January 26, 1978. Hopefully, the summary of recaps on laws and rules will be drafted by that date.

Attorney General's Report

Deputy Attorney General Russel Nagata did not have anything to report on at this time.

Business Out
of Minutes:Raymond W. S. Chun's Application for Restoration of Forfeited License

This matter had been deferred from last month's meeting to give Raymond W. S. Chun an opportunity to discuss the matter.

After the question and answer period, Edwin Shiroma moved and Tadayoshi Ishizu seconded to approve application of forfeited real estate license of Raymond W. S. Chun. Motion carried unanimously.

Agnes L. Eberhart's Application for Restoration of Forfeited License

This matter was also deferred from October 28, 1977 meeting to give Agnes L. Eberhart an opportunity to discuss the matter.

After the question and answer period, Edwin Shiroma moved and Tadayoshi Ishizu seconded to deny restoration of Agnes L. Eberhart's real estate salesman's license based on insufficient evidence to prove that she has the knowledge of the real estate law. Motion carried unanimously.

Application of McCormack Hawaii, Ltd. dba Mike McCormack

After a lengthy discussion, John Urner moved and Tadayoshi Ishizu seconded to direct the Executive Secretary to straighten out the matter and that he be given the authority to approve the basic name. Motion carried unanimously.

Investigations: CON-76-12 Maunaihi Developers

Executive Secretary reported that Daniel Matsukage, Developer, has replied to Commission's letter wherein he said that he is attempting to contact the people involved but needs more time.

Edwin Shiroma moved and Tadayoshi Ishizu seconded to extend the deadline to December 15, 1977. Motion carried unanimously.

RE-553 Bernice Midkiff

Deputy Attorney General R. Brian Tsujimura, in his memorandum to the Commission, recommended a letter of warning he sent to Respondent on this long delayed complaint.

Edwin Shiroma moved and Tadayoshi Ishizu seconded to accept the recommendation of Deputy Attorney General Rick Tsujimura to send a letter of warning and dismiss the case. Motion carried unanimously.

RE-571 Benjamin Ayson

After discussion, Edwin Shiroma moved and John Urner seconded to accept the Hearings Officer's recommendation and approved the Settlement Agreement executed on November 9, 1977 between Benjamin E. Ayson and R. Brian Tsujimura. Motion carried unanimously.

RE-76-128 Aiea Lani Corporation

Executive Secretary read a letter from Warren Ho, President of Aiea Lani Corporation, requesting extension of time.

Edwin Shiroma moved and Tadayoshi Ishizu seconded to extend the deadline from November 15, 1977 to December 15, 1977. Motion carried unanimously.

RE-77-13 Flora Palmer, etc.

As a copy of a business license dated July 11, 1977 permitting Kamaole Beach Condominium to conduct a hotel business was received,

Edwin Shiroma moved and Tadayoshi Ishizu seconded to dismiss case and withdrew its warning letter. Motion carried unanimously.

RE-77-27 Ralph Schrader

Following discussion, Edwin Shiroma moved and John Urner seconded to accept the recommendation of the Complaint Review Committee to dismiss this complaint on the basis that no violation was found. Motion carried unanimously.

RE-77-75 Wade, Ltd.

After discussion, Edwin Shiroma moved and Tadayoshi Ishizu seconded to approve the findings of the Committee to dismiss this complaint on the basis that there was insufficient evidence to support the allegation of misrepresentation and coercion. Further, the Committee was of the opinion that the refund of deposit money is a civil matter. Motion carried unanimously.

RE-77-107 Philip Broms

Committee recommended dismissal of complaint due to insufficient evidence to support the allegations.

John Urner moved and Edwin Shiroma seconded to accept the recommendation of the Committee to dismiss complaint. Motion carried unanimously.

RE-77-111 Kats Ohama & Kats Ohama Realty, Inc.

Following discussion, Tadayoshi Ishizu moved and John Urner seconded to accept Committee's recommendation to dismiss complaint on the basis that there was insufficient evidence to support the allegation of misrepresentation. Motion carried unanimously.

CON-77-15 Beverly-Hawaiian, Inc.

Committee had recommended dismissal of complaint on the grounds that there was insufficient evidence of misrepresentation and deceitful act.

John Urner moved and Edwin Shiroma seconded to approve the findings of the Committee to dismiss complaint. Motion carried unanimously.

New Business:

LICENSING

CORPORATION

A-A Management Corporation - P. O. Box 22794, Honolulu
Merwin P. Porter, pb

Aala Management, Inc. - Kona Coast Shopping Center, Kailua-Kona
Kathleen W. Solarana, pb

Century Hawaii Realty Sales & Management, Ltd. - 745 Fort St.,
Lise L. Kiewe, pb #418, Honolulu

Hawaii Exchange Corporation - 1585 Kapiolani Blvd., #221, Honolulu
Goro Kobayashi, pb

Ironwood Realty, Ltd. - Kuhio Hwy, Hanalei
Thomas W. Wilson, pb

Island Realty, Inc. - 841 Bishop St., #924, Honolulu
Albert M. Kanahale, pb

Edwin Shiroma moved and Tadayoshi Ishizu seconded to approve
the applications for corporate licenses listed above. Motion
carried unanimously.

Leasurebell & Associates, Inc. - 2270 Kalakaua Ave., #1706, Hon.
James B. Bell, pb

Peter Vana Real Estate, Inc. - 169D Keawe St., Hilo
Kazuto Takayama, pb

Edwin Shiroma moved and Tadayoshi Ishizu seconded to deny the
above two applications for corporate license on the basis that
it contains surnames of non-brokers. Motion carried unanimously.

BRANCH OFFICE

Doug's Realty Services, Inc. - 1021 Limahana St., Lahaina
George K. Paoa, bic

Island Realty, Inc. - 98-1277 Kaahumanu St., Aiea
Ernest K. Dias, bic

Luke & Luke Realty, Inc. - 98-1238 Kaahumanu St., #402, Pearl City
Marion Joy, bic

Resort Marketing Associates, Inc. - 840 Wainee St., #E8, Lahaina
Robert L. Ackerson, bic

Edwin Shiroma moved and Tadayoshi Ishizu seconded to approve
the applications for branch office license. Motion carried
unanimously.

McCormack Hawaii, Ltd. - Lahaina Shopping Center, #100, Lahaina
Charlotte W. Miller, bic

On the same motion as above, the application of McCormack Hawaii,
Ltd. was approved subject to getting its basic license cleared.
(See under Business Out of Minutes.)

TRADENAME

Investment Real Estate - Financial Plaza of the Pacific, #1060
John B. King, dba Honolulu

Pearl Properties - 98-1247 Kaahumanu St., #218A, Aiea
Glenn H. Suizu, dba

Shores of Maui Realty - 1993 S. Kihei Rd Bay VI, Kihei
Lawrence J. Schwer, dba

Spalding Realty - Kuakini Professional Plaza, Bx 5, Kailua-Kona
James S. Spalding, dba

John Urner moved and Tadayoshi Ishizu seconded to approve the above tradenames. Motion carried unanimously.

CHANGE OF CORPORATE NAME

Barabe Realty, Inc. - 2828 Paa St., #2042, Honolulu
John J. Barabe, pb (formerly Westward Ho Realty, Inc.)

SMI Inc. - 190 S. King St., #948, Honolulu
William K. M. Chee, pb (formerly State Management, Inc.)

Tadayoshi Ishizu moved and Edwin Shiroma seconded to approve the above corporate name changes. Motion carried unanimously.

APPLICATION FOR LICENSE - past 1 year

Donald P. McDiarmid III

Edwin Shiroma moved and Tadayoshi Ishizu seconded to deny McDiarmid's application for license on the grounds that application was filed beyond the 1 year period from the date of examination. Motion carried unanimously.

Bruce W. Rolander

Tadayoshi Ishizu moved and Edwin Shiroma seconded to deny Bruce W. Rolander's application for license on the basis that his application was filed 3 months beyond the 1 year limitation. Motion carried unanimously.

PREVIOUSLY DEFFERED APPLICATION

Transworld Realty Corporation

Edwin Shiroma moved and John Urner seconded to approve the above application. Motion carried unanimously.

Miscellaneous: Revision of Hawaii Section of Real Estate Examination

The Executive Secretary read a letter from ETS requesting assistance from our local real estate schools to develop and update exam questions. They outlined 2 plans, Plan 1 and Plan 2.

After due consideration, Edwin Shiroma moved and John Urder seconded to adopt Plan 2. Motion carried unanimously.

Commission Policy Re: Silent Calculators

A memorandum had been circulated as to "What is a Silent Calculator."

After discussion, the Commissioners concurred that silent means noiseless.

Crocker Liu

Edwin Shiroma moved and Tadayoshi Ishizu seconded to add this matter to the agenda in compliance with the Sunshine Law. Motion carried unanimously.

At last month's meeting, Crocker Liu received authorization to reprint portion of the Commission's report on the survey conducted on the "Characteristics and Performance of Real Estate Brokers and Salesmen In The Hawaiian Islands" to be included in his article to appear in January issue of Hawaiian Realtor subject to Commission's review. Liu submitted copies of the article he had prepared and after a question and answer period, Edwin Shiroma moved and Tadayoshi Ishizu seconded to consent the use of the survey material. Motion carried unanimously.

Roger Morton's Request for Experience Waiver

Roger Morton, in his letter to the Commission, requested a ruling regarding his academic work to obtain waiver of experience toward a real estate broker's license.

After considerable discussion, Edwin Shiroma moved and Tadayoshi Ishizu seconded to deny Morton's request for experience waiver on the basis that (1) there is no evidence that the school is accredited as defined under Rule 4.5 of the Commission's rule; and (2) no evidence that subjects completed are real estate oriented courses. Motion carried unanimously.

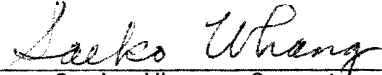
Correspondence: Letter from Real Estate Education Company

After discussion, John Urner moved and Tadayoshi Ishizu seconded to deny the request of Real Estate Education Company as a correspondence school for pre-license courses because the Commission's adopted guidelines for home study programs limit the home study program to only approved schools currently maintaining classroom courses. Motion carried unanimously.

Next Meeting: December 16, 1977
Penthouse Conference Room
1010 Richards St., Honolulu, Hawaii

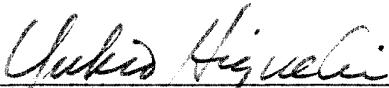
Adjournment: There being no further business, the meeting adjourned at 2:30 p.m.

Taken and recorded by:



Saeko Whang, Secretary

Approved by:



Yukio Higuchi, Executive Secretary