

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

MINUTES OF MEETING

Date: Friday, April 28, 1978

Place: Board Room, Kamamalu Building
1010 Richards Street, Honolulu, Hawaii

Present: Ah Kau Young, Chairman
Mary V. Savio, Vice Chairwoman
Tadayoshi Ishizu, Member
Edwin H. Shiroma, Member
John M. Urner, Member
Ralph S. Yagi, Member

Russel S. Nagata, Deputy Attorney General
R. Brian Tsujimura, Deputy Attorney General
Darryl Y. C. Choy, Hearings Officer
Alvin Yamamoto, Investigator
Yukio Higuchi, Executive Secretary
Saeko Whang, Secretary

Joseph Choy, Director, S.B.M.P., University of Hawaii
Rhoda Feinberg, Education Director, Hawaiian Ass'n of Realtors
Irene Jacobs, Educational Officer, Honolulu Board of Realtors and
Hawaiian Ass'n of Realtors
Jim McKellar, Principal Broker of J. M. Urner, Inc., Br. 1
Dr. & Mrs. David Sirota, Real Estate Chair, U. of H.
Donald Bell, Professor, College of Business Admin., U. of H.

Absent: John D. Texeira, Member

Call to Order: There being a quorum, Chairman Young called the meeting to order
at 9:10 a.m.

The Executive Secretary apprised that the agenda for today's
meeting was filed on Tuesday, April 25, 1978 at the Lt. Governor's
office in compliance with the Sunshine Law.

Minutes: Edwin Shiroma moved and Tadayoshi Ishizu seconded to approve the
minutes of March 31, 1978 as circulated. Motion carried
unanimously.

Committee Reports: Real Estate Education Advisory Council

Real Estate Instructor Application of Claire Bloom Hansen
(broker and salesman)

The Executive Secretary apprised the Commissioners that he
has reviewed Claire Hansen's application and found that she

fulfills the basic requirement for certification as a real estate instructor and recommends approval.

Edwin Shiroma moved and Ralph Yagi seconded to approve application of Claire B. Hansen for real estate instructor's certificate. Motion carried unanimously.

Real Estate Instructor Application of George W. Clarke (broker and salesman)

At Executive Secretary's request, Edwin Shiroma moved and Tadayoshi Ishizu seconded to add this matter to the agenda in compliance with the Sunshine Law. Motion carried unanimously.

George W. Clarke, who forfeited his instructor's certificate due to a possible conflict of interest, has applied for reinstatement. Clarke had taken the Instructor's Seminar completed on April 27, 1978.

Mary Savio moved and Edwin Shiroma seconded to approve Clarke's application for reinstatement as a real estate instructor. Motion carried unanimously.

Real Estate Chair (Instructor's Seminar)

Mary Savio reported that the Instructor's Seminar held at Ilikai by Dr. David Sirota was extremely well received, excellent comments were made and the people hoped to have Dr. Sirota back again.

Joseph Choy, Director, S.B.M.P., gave an evaluation report of the seminar. Out of 24 responses, the overall comment was 21 excellent, 2 good and 1 inadequate. He stated that everything went smoothly and was very good experience.

Book Donation

The Executive Secretary reported that he has not progressed much to set the mechanics in motion to donate "The Condominium Community" book to the library systems; however, he hoped to get on with it.

Executive Secretary recommended that the Commission also donate books to the Real Estate Center library, College of Business Administration.

Mary Savio moved and Edwin Shiroma seconded to include Real Estate Center library to the list of book donations. Motion carried unanimously.

Laws and Rules Review Committee

Edwin Shiroma reported that the first half of the Law and Rules Review Committee meeting held on April 27, 1978, the Commission members met with Edward Manwaring and Emily Glossbrenner to review and discuss the State examination questions. The second half of the meeting was devoted to continuation of review of the laws and rules. He announced that the next committee meeting will be held on May 25, 1978.

Real Estate Recovery Fund

The Commission received communication from Deputy Attorney General Russel Nagata regarding Joseph Culver vs. International Syndications, Inc. wherein the plaintiff's attorney placed a lien on the property in favor of the Real Estate Commission. He advised the members that Sidney Ayabe, Commission's counsel to the Real Estate Recovery Fund be given full authorization to pursue a course of action in the best interest of the Fund.

Edwin Shiroma moved and Tadayoshi Ishizu seconded to refer this matter to Sidney Ayabe and to give him full authorization to proceed on it. Motion carried unanimously.

Contested Case Hearings:

RE-76-163 Harold L. Fuller, Sr.

Executive Secretary apprised the members that this morning he was informed by Attorney David Tuck's secretary that Mr. Fuller had contacted Tuck to take this case before the Commission; however, due to Mr. Tuck's busy schedule, Tuck did not have time to review the matter and did not commit himself to taking the case.

Executive Secretary advised Tuck's secretary that a request for a continuance should be formally made by 9:30 a.m. today.

At 10:00 a.m., a check was made to see if Respondent appeared. Fuller did not make the appearance.

For the record, Ralph Yagi moved and Edwin Shiroma seconded to accept into evidence the memorandum of the Executive Secretary dated April 28, 1978. Motion carried unanimously.

The following were also accepted into evidence:

Chairman Ah Kau Young early in the day of April 26, 1978, received a hand-delivered 7-page letter from Harold Fuller. The same day, later in the evening, he received a 3-minute phone call from Fuller.

Commissioner Mary Savio received a letter through the mail and on April 26, 1978 at approximately 10:00 p.m., she had a 2-hr phone conversation with Fuller.

Edwin Shiroma said that he received a call from Fuller but he did not return the call.

Both Harold Fuller and State's counsel B. Rick Tsujimura had filed Exceptions to Hearings Officer's Proposed Decisions.

Tsujimura objected to the excerpts filed by Fuller in his Exceptions which was taken from transcript of the proceedings involving his alleged deceptive practices against Mr. Higgins.

He objected to the use of the transcript in the proceedings before the Commission because counsel does not believe that Fuller's statement accurately reflects the testimony given; there is not sufficient material to understand what the questions to his responses were and does not reflect true and accurate reflection as to what occurred in the hearing.

He objected to the deflammatory and malicious nature of Fuller's comments.

After a lengthy deliberation, Mary Savio moved and Ralph Yaqi seconded to accept the hearings officer's Findings of Facts, Conclusions of Law and Recommended Order dated March 6, 1978 except for Nos. 1 and 2. Motion passed unanimously.

Darryl Choy volunteered himself and Russel Nagata to draft the Decision and Order.

RE-76-110 James Sandy Singleton

Executive Secretary reported that he received a letter from Gordon Bronson, attorney for James S. Singleton, requesting a new hearing on this matter.

After discussion, Edwin Shiroma moved and Tadayoshi Ishizu seconded to deny his request for a rehearing as the points mentioned in letter was considered by the Commission prior to reaching its decision. Motion carried unanimously.

Business Out
of Minutes:

RE-77-157 Charles L. Waite and J. M. Urner, Inc.

Due to possible conflict of interest, John M. Urner removed himself when discussion took place on this matter.

Jim McKellar, principal broker of J. M. Urner, Inc., Branch 1, appeared for a question and answer period regarding his salesman, Charles L. Waite.

After McKellar was excused, Mary Savio moved and Ralph Yaqi seconded to dismiss the complaint with a warning letter to McKellar with regard to proper supervision of the licensees employed or associated with the branch office and to be more aware of the real estate activities of his salespeople. A letter of warning to be written

to Charles L. Waite. Motion carried with John M. Urner abstaining.

RE-77-138 Marcia Brilhante

This matter was discussed at last month's hearing but no action was taken.

Mary Savio moved and Tadayoshi Ishizu seconded to dismiss complaint and issue a letter of warning to Stanley Brilhante to provide better and closer supervision to his salespeople. Motion carried unanimously.

Introduction of Dr. David Sirota, Real Estate Chair

At 11:30 a.m., Dr. and Mrs. David Sirota were introduced to the Commissioners and staff members. Dr. Sirota made a 15-minute speech summarizing the report he will be submitting to the Commission for the opportunity to serve as the first Real Estate Chair.

Investigations: RE-495 Leo Manol, Inc.

This case has been pending from October 1972 as there was a pending case in court. Inasmuch as the Commission learned that the court case was dismissed, Mary Savio moved and Ralph Yagi seconded to dismiss case. Motion carried unanimously.

RE-77-13 Howard W. Isidor dba Kamaole Rentals

Although the Complaint Review Committee recommended a formal hearing on this matter, on the advice of Deputy Attorney Russel Nagata, Ralph Yagi moved and Edwin Shiroma seconded to hold an informal conference with Howard W. Isidor. Motion carried unanimously.

RE-78-16 Paul B. Giles

After discussion, Ralph Yagi moved and Tadayoshi Ishizu seconded to accept the Complaint Review Committee's recommendation to dismiss complaint due to insufficient evidence. Motion carried unanimously.

RE-78-26 Donald M. Conway

Following discussion, Ralph Yagi moved and Tadayoshi Ishizu seconded to accept the recommendation of the Complaint Review Committee to dismiss complaint as no violation was found. This is a civil matter. Motion carried unanimously.

CON-77-19 Hugh Menefee Development Corp.

After discussion, Ralph Yagi moved and Edwin Shiroma seconded to accept the Complaint Review Committee's recommendation to refer this case back to Investigation Branch for further investigation. Investigator to gather pertinent documents and information. Motion carried unanimously.

New Business: LICENSING

CORPORATION

5625, Inc. - 2222 Kalakaua Ave., #1415, Honolulu
Barbara Thompson, pb

Beatty & Griffin Realty & Management, Inc. - 577 Kinoole St., Hilo
Douglas S. Beatty, pb

Sam Daily Realty, Inc. - 45-1144 Kamehameha Hwy, #303, Kaneohe
Sammy G. Daily, pb

Gentry Homes Realty, Inc. - 130 Merchant St., #1804, Honolulu
Michael T. Teramoto, pb

Ken Griffin & Associates, Inc. - 1314 So. King St., #854, Honolulu
Kenneth B. Griffin, pb

Ind-Comm Management, Inc. - 190 So. King St., #1174
Richard T. Yamasaki, pb

Irene Jacobs, Inc. - 572 Kailua Rd., Kailua
Robert T. Jacobs, pb

Waikiki Kona, Inc. - Kona Shopping Ctr, Box 2987 #75 56290, Kailua-Kona
Vernon A. Arney, pb

Ralph Yagi moved and Tadayoshi Ishizu seconded to approve the above applications for corporate licenses excepting Gentry Homes Realty, Inc. on the basis that "Gentry" is a surname of a person who does not hold a Hawaii real estate broker license. Motion carried unanimously.

BRANCH OFFICE

Dillingham Land Corp. (A Hawaii Corp.) - 1450 Ala Moana Blvd., #3200
Philip Russell, bic Honolulu

Wagstaff Petersen Realty, Inc. - 95-390 Kuahealani Ave., Mililani
Frederick J. Lynn, bic Town

Wilson-Gray & Associates, Inc. - 109 Hekili St., Kailua
Dale J. Scott, bic

Ralph Yagi moved and John Urner seconded to approve the above applications for branch office. Motion carried unanimously.

TRADENAME

Aina Koa Realty - 94-366 Pupupani St., #208, Waipahu
Charles D. Reid, dba

Blue Hawaii Realty - Kai Nani Shopping Ctr, Bldg B, Unit D, Kihei
Patricia A. Rocco, dba

William Keola Childs Realty - 75-155 B Kalani St., Kailua-Kona
William K. Childs, dba

James E. Chisholm-Appraiser - 1063 E Main St., #217, Wailuku
James E. Chisholm, dba

Cornerstone Realty - 98-064 Kam Hwy, Aiea
Arline D. Morefield, dba

Joven Galiza Realty - 1111 Bishop St., #511, Honolulu
Jovencio M. Galiza, Sr., dba J. M. Galiza Realty

Hawaiian National Realty Co. - 830 Keeaumoku St., #9, Honolulu
Shanty K. Andow, dba

KCS Rentals - Kona Macadamia Acres #69, Box 1138, Kailua-Kona
Kathleen C. Solarana, dba

Kamakani Realty - Kamuela Office Center #6, Kamuela
John S. Rickard, Jr., dba

Ed E. Lee - 1314 So. King St., #961, Honolulu
Edward E. Lee, dba

McMahon Realty - Kuakini Prof. Bldg, Kailua-Kona
Francis V. McMahon, dba

New Century Realty - 680 Ala Moana Blvd., #317, Honolulu
Joseph T. Leng, dba

Sterling Realty - 340 E Kawili St., Hilo
Patricia S. Ford, dba

John Urner moved and Ralph Yaqi seconded to approve the above applications for tradename. Motion carried unanimously.

CHANGE OF CORPORATE NAME

Hawaii Real Estate Exchange, Ltd. - 760 Front St., Lahaina
Lynn Oakley, pb (formerly Real Estate Exchange Maui, Ltd.)

Mary Savio moved and Ralph Yaqi seconded to approve change of corporate name of Hawaii Real Estate Exchange, Ltd. Motion carried unanimously.

APPLICATION FOR LICENSE - past 1 year

Mona F. Cole

Mary Savio moved and Tadayoshi Ishizu seconded to deny Mona Cole's application for a real estate salesman license based on the failure to comply with Commission's Pule 3.1(f). Motion carried unanimously.

RESTORATION OF FORFEITED LICENSE - past 2 years

Pioneer Properties, Inc. - 900 Fort St. Mall, #1800, Honolulu
Keith M. Lvsen, pb

It was moved by Ralph Yagi and seconded by Mary Savio to approve application for restoration of forfeited license for Pioneer Properties, Inc. Motion carried unanimously.

Alfred W. S. Lum

At the request of Executive Secretary, Ralph Yagi moved and Tadayoshi Ishizu seconded to add this matter to the agenda in compliance with the Sunshine Law. Motion carried unanimously.

After discussion, Ralph Yagi moved and Mary Savio seconded to approve application of Alfred Lum's license as a real estate salesman. Motion carried unanimously.

Shrine F. Racoma

At Executive Secretary's request, Tadayoshi Ishizu moved and Ralph Yagi seconded to add this matter to the agenda in compliance with the Sunshine Law. Motion carried unanimously.

At the January meeting, Shrine Racoma's application for license had been denied. Racoma had requested for reconsideration.

After due consideration, Ralph Yagi moved and Mary Savio seconded to approve Racoma's application for license as a real estate salesman. Motion carried unanimously.

Miscellaneous: 1978 Legislation

Senate Concurrent Resolution No. 78

The Executive Secretary reported that Senate Concurrent Resolution No. 78 requesting a study on "Time Sharing" has been adopted by the State Legislature. As this is a complex problem requiring coordinated study and report to be submitted, Chairman Young selected Mary Savio to chair this group. The 4 Oahu members will serve on this committee together with Red Morris and a couple of attorneys as advisors.

Request of Shigeto Murayama for Waiver of Experience Requirement of Broker Applicant

Shigeto Murayama requested a partial waiver of the 2 years experience requirement for the broker examination.

Following discussion, Ralph Yagi moved and Mary Savio seconded to grant 18 months waiver. Motion carried unanimously.

HUD's Request to Enter Affirmative Fair Housing Marketing Agreement with Hawaii Real Estate Commission

Communication was received from HUD requesting Hawaii Real Estate Commission to enter into the Affirmative Fair Housing Marketing Agreement.

Licensing Administrator Dick H. Okaji's comments were read wherein he said that concept was good, however, we have a State fair housing law which was adopted along the lines of the federal act.

Following discussion, Edwin Shiroma moved and John Urner seconded to defer from entering into the Affirmative Agreement at this time. Motion carried unanimously.

American Society of Real Estate Counselors Request for Continuing Education Credit

The American Society of Real Estate Counselors wrote to the Commission requesting the granting of credit to their students for completing their educational seminar. They are requesting credit toward our prelicensing and post license education requirement.

The Commission decided to take no action on the request because the existing rules allow the granting of credit for those who completed courses leading toward a professional designation and procedurally they consider these requests on a case by case basis. Furthermore, we do not have any post licensing education requirements.

Hold Over Matter:

RE-77-11 Midkiff Realty, Inc. & Bernice Midkiff Bisbee

By motion made by Edwin Shiroma, seconded by Mary Savio, this matter was added to the agenda in compliance with the Sunshine Law. Motion carried unanimously.

The Stipulated Decision had been drawn up by Edward J. Bybee, attorney for Bernice Midkiff Bisbee and R. Brian Tsujimura. It stipulates that a CPA, retained by Respondent, will submit all the books for the years 1976, 1977 and 1978 containing all the brokerage transactions during the period. The first submission report will be September 1, 1978 followed by another report by September 1, 1979.

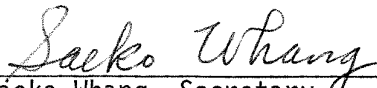
Mary Savio moved and Ralph Yagi seconded to accept this Stipulated Decision. Motion carried unanimously.

Date of Next Meeting:

The next Commission meeting will be held on Friday, May 26, 1978 at 9:00 a.m. in the Board Room.

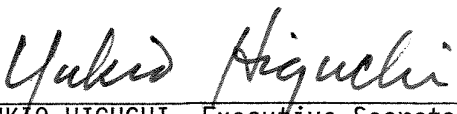
Adjournment: There being no further business, the meeting was adjourned at 2:30 p.m.

Taken and recorded by:



Saeko Whang, Secretary

Approved by:



YUKIO HIGUCHI, Executive Secretary