

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

MINUTES OF MEETING

Date: Friday, June 30, 1978

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

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

Randall Y. Iwase, Deputy Attorney General
Russel S. Nagata, Administrator, Div. of Business Registration
Alvin Yamamoto, Investigator
Yukio Higuchi, Executive Secretary
Saeko Whang, Secretary

Rhoda Feinberg, Education Director, Haw'n Ass'n of Realtors
Irene Jacobs, Educational Officer, Honolulu Bd of Realtors and
Haw'n Ass'n of Realtors
Roy E. Lovett, Jr., Applicant for Real Estate Salesman License
Thomas Thompson, Applicant for Real Estate Salesman License
Clinton Childs, Broker
Jane Ley, Associate Director, State Ethics Commission

Absent: John D. Texeira, Member

Call to Order: At 9:10 a.m., noting a quorum was present, Acting Chairperson
Mary Savio called the meeting to order.

The Executive Secretary apprised that the agenda for today's
meeting was filed on Tuesday, June 27, 1978 at the Lt. Governor's
office in compliance with the Sunshine Law.

Minutes: Tadayoshi Ishizu moved and Ralph Yagi seconded to approve the
minutes of May 26, 1978 meeting as circulated. Motion carried
unanimously.

Committee
Reports: Real Estate Education Advisory Council

Real Estate Academy of the Pacific

Upon the recommendation of the Executive Secretary, Edwin
Shiroma moved and Tadayoshi Ishizu seconded to approve appli-
cation for accreditation of Real Estate Academy of the Pacific
subject to receipt of evidence from the Department of Education.
Motion carried unanimously.

Book Donations

Executive Secretary reported the receipt of 66 books on "The Condominium Community" purchased at \$700 for distribution to the public libraries and the U. of H. Library. He stated that this transaction was consummated this fiscal year 1977-1978 and so another donation may be made in 1978-1979 fiscal year.

Laws and Review Committee

Committee Chairman Edwin Shiroma reported that his committee is presently reviewing Chapter 20 and announced that the next meeting will be held on July 27, 1978 at the Tropic Shores Realty conference room.

Real Estate Recovery Fund

Executive Secretary reported that he has prepared the budget for fiscal year 1978-1979 but has not yet submitted it to the Director for his approval.

Sidney Ayabe, Real Estate Recovery Fund counsel, submitted 2 bills totaling \$6,396.58. Executive Secretary noted that there was one big item "Clark vs. Cassidy" case which totaled 61 hours.

Edwin Shiroma moved and Tadayoshi Ishizu seconded to approve payment to Sidney Ayabe. Motion carried unanimously.

Attorney General's Report

Deputy Attorney General Randall Y. Iwase was introduced to the members of the Commission and staff by former Deputy Attorney General Russell S. Nagata. He did not have anything to report at this time.

Business
Out of
Minutes:

Applications for Restoration of Forfeited Real Estate Salesman Licenses

Roy E. Lovett, Jr.

Lovett's application for restoration of salesman's license was denied at the March 31, 1978 meeting; therefore, he requested to appear before the Commission for reconsideration.

At the conclusion of the question and answer period, Acting Chairperson Savio thanked him for appearing and stated that the matter will be taken under advisement.

After due deliberation, Ralph Yagi moved and Tadayoshi Ishizu seconded to invite Lovett's former broker, Ronald R. Lokar in for an informal conference to discuss this matter. Motion carried unanimously

Thomas M. Thompson

Executive Secretary apprised that Thompson has not submitted his application for real estate salesman's license but has written requesting waiver of Commission's Rule 3.1(f). He requested to appear today in person to discuss this matter further.

After the question and answer period, Chairperson Savio thanked him for coming and said that the matter will be taken under advisement.

Following discussion, Ralph Yagi moved and John Urner seconded to reaffirm the decision to deny application of Thompson should he file. Motion carried unanimously.

William E. Yandle

At last month's meeting, Yandle's application for restoration of his forfeited real estate salesman license was approved subject to his submission evidence of taking the New Mexico broker's course.

However, he has written back stating he took 55 classroom hours and did not complete the course. (New Mexico broker course requires 180 hours.)

After considerable discussion Ralph Yagi moved and Tadayoshi Ishizu seconded to approve and restore Yandle's real estate salesman license. Motion carried unanimously.

RE-78-29 Clint Childs, Inc.

At May 26, 1978 meeting, Commission decided to invite Clinton Childs for an informal conference to discuss this matter.

At the conclusion of the question and answer period, Chairperson Savio thanked Childs for coming and stated that the matter will be taken under advisement and he will be informed of the outcome later.

After discussion, Edwin Shiroma moved and Ralph Yagi seconded to dismiss complaint on the basis that there was no violation. Motion carried unanimously.

RE-76-110 Singleton Associates

Attorney Kazuhisa Abe appeared in behalf of his client, James S. Singleton and requested the Commission to reduce Singleton's 6 months suspension to a reprimand. He stated that Singleton will voluntarily place his real estate broker's license in inactive status for 1 year.

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Attorney Abe further stated that he will sign a document to the fact and monitor what Singleton has promised to fulfill with the Commission.

Chairperson Savio thanked Attorney Abe for appearing and said the Commission will take this matter under consideration.

Following a lengthy discussion, Edwin Shiroma moved and Ralph Yagi seconded to deny the request of James Singleton and re-affirmed to proceed with the final order of 6 months suspension. Motion carried unanimously. Chair also voted.

RE-77-118 Russell L. Jones

The Commission had decided to hold a hearing on this matter at the February 24, 1978 meeting. Subsequently the matter was transmitted to the Attorney General's office wherein R. Brian Tsujimura, D.A.G., recommended dismissal stating that this was an escrow problem.

Ralph Yagi moved and John Urner seconded to accept the recommendation of Tsujimura to dismiss complaint. Motion carried unanimously.

RE-77-151 Leila Virdone

At the May 26, 1978 meeting, Commission decided to hold a hearing on this matter; however, after a copy of the hearing notice was forwarded to Attorney General's office, Tsujimura responded and recommended dismissal.

Following discussion, Ralph Yagi moved and Edwin Shiroma seconded to defer action in order that the Deputy Attorney General Randy Iwase can review the matter and report back at the July meeting. Motion carried unanimously.

RE-77-138 Marcia Brilhante

This matter has been deferred to the July meeting to allow Exceptions to be filed.

CON-76-12 Maunaihi Developers

Executive Secretary reported that he has received a letter from Dan Matsukage, developer, who gave the Commission a status report. Matsukage has written to the Association of Apartment Owners and Hamano but did not get any response. He is still working on it.

Application for Tradename: Grandison Perry dba Pono Realty

At an earlier meeting, this matter had been deferred inasmuch as someone had reserved the dba Pono Realty with the Division of Business Registration.

Executive Secretary read a letter from attorney Jerry B. Abbott that he has filed a petition with Business Registration Division for the right to use of tradename and said petition was approved. Therefore, Edwin Shiroma moved and Tadayoshi Ishizu seconded to approve application of tradename to Grandison Perry. Motion carried unanimously.

Investigations: RE-77-112 Walter H. Engstrom and Charles Bohannon, Inc.

Following discussion, Ralph Yagi moved and Edwin Shiroma seconded to accept the Complaint Review Committee's recommendation for dismissal with a letter of warning to Charles Bohannon to maintain proper supervision over the conduct and activities of his sales personnel and also to send a cease and desist letter of warning to Bob Patoile for possible unlicensed rental activities. Motion carried unanimously.

RE-77-168 Owen H. Ariki & Associates

As recommended by the Complaint Review Committee, Tadayoshi Ishizu moved and Ralph Yagi seconded to dismiss complaint on the grounds of insufficient evidence of violation. Motion carried unanimously.

RE-78-40 Peter Meagher and Mauna Kea Realty, Inc.

After discussion, Ralph Yagi moved and Tadayoshi Ishizu seconded to dismiss complaint, as recommended by the Complaint Review Committee, with a letter of warning to Meagher for his careless conduct. Motion carried unanimously.

RE-78-47 Island Resort Management, Inc., Jon Rich and Paul Giles

After discussion, Edwin Shiroma moved and Tadayoshi Ishizu seconded to accept the Complaint Review Committee to hold an informal conference with Jon Rich to determine what he intends to do about the 2% commission overcharge and to defer action. After the conference a determination will be made as to whether or not a letter of warning should be sent to Thomas Schmidt for allowing Paul Giles, real estate salesman, to perform rental activities for IRMI without first transferring Giles license to IRMI. Motion carried unanimously.

New Business: LICENSING

CORPORATIONS

Architects Engineers Alliance Inc. dba AEA Realty - 841 Bishop
Peter W. Yanagihara, pb St., #2201, Honolulu

Leo Borovskis Realty, Inc. - 1993 S. Kihei Rd., #207, Kihei
Leo Borovskis, pb

DHL Properties, Inc. - 345 Queen St., #601, Honolulu
Max W. Kroll, pb

Ekahi, Inc. - 190 So. King St., #1402, Honolulu
George T. Tokuyama, pb

GAF Corporation - 1272 S. King St., Honolulu
John J. Fan, pb

Jr. & Jr. Ltd - 991 Limahana St., Lahaina
James C. Riley, pb

Ka Hale, Inc. - 2345 Kuhio Ave., Honolulu
Kane K. Hui, pb

Russ Meyers Realty, Inc. - West Maui Center, 910 Honoapiilani Hwy 9,
Russell A. Meyers, pb Lahaina

New Dimensions Realty, Inc. - 364 Seaside Ave., PH 4, Honolulu
Darrell W. Rumsey, pb

Pied-A-Terre, Hawaii, Inc. - 1750 Kalakaua Ave. Century Center
Carmie R. Richesin, pb #208, Honolulu

Property Resources Consultants Corp. - 1152 Bishop Bldg Union Mall
Frank T. Fujimura, pb #810, Honolulu

Real Estate Network of Hawaii, Inc. - 1144 Young St., Honolulu
Donald A. Graham, pb

Residential Counselors, Inc. - 98-1264 Kaahumanu St., #202,
Warren M. Tanoue, pb Pearl City

Sandalwood Realty, Inc. - 1441 Kapiolani Blvd., #905, Honolulu
Galen K. Smitten, pb

Ulrich & Associates Realty, Inc. - 735 Bishop St. #327, Honolulu
Karl S. Ulrich, pb

Marika Yamato Realty, Ltd. - 745 Fort St., #200-A, Honolulu
Marika Yamato, pb

Ralph Yagi moved and Tadayoshi Ishizu seconded to approve the
above applications for corporate licenses. Motion carried
unanimously.

BRANCH OFFICE

Amaral-Cole Div. Amaral-Cole Land Co., Inc. - 33 Lono Ave.
Lewis W. Howard, Jr., bic Kahului

James T. F. Anderson dba Jim Anderson Realty - 269-E Papa Pl. #6,
Dennis C. Lopes, bic Kahului

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Blue Water Properties, Inc. - Princeville Shopping Ctr, Bldg C,
William C. Street, bic Princeville, Kauai

Aaron M. Chaney, Inc. - 666 Front St., #127, Lahaina
Lois W. Silverman, bic

Stapleton Associates, Ltd. - Bldg H, Whaler's Village, Lahaina
John PcPhee, bic

John Wilson Entr Ltd. dba Pali Kai Realtors - 602 Kailua Rd #206,
Emmaline U. Yen, bic Kailua

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

TRADENAME

Mary Ann Braun Real Estate Broker - Kuakini Prof. Plaza, P.O. Box
Mary Ann Braun, dba 2441, Kailua-Kona

Costa & Company Real Estate - P. O. Box 786, Kailua-Kona
Vivian A. Costa, dba

1st Stop Realty - 190 S. King St., #1885, Honolulu
Loren S. Peiterson, dba

John Grymes Realty - 2222 Kalakaua Ave., #1214, Honolulu
John R. Grymes, dba

Don Inouye Realty - P. O. Box 547, Kamuela
Donald T. Inouye, dba

Lindahl Realty - 190 S. King St., #2730, Honolulu
Nicholas C. Lindahl, dba

Bev McKeague - 1137 11th Ave., Honolulu
Beverly E. McKeague, dba

Hawaiian Holiday Properties - 1833 Kalakaua Ave. #612, Honolulu
Maureen J. O'Neill, dba

Puna Realty Co. - P. O. Box 13, Pahoa
Virginia C. Lee, dba

Tom Shinsato Realty 98-1247 Kaahumanu St., #218 Aiea
Thomas Y. Shinsato, dba

Smith Properties - 68 Kekuanaoa St., Hilo
Doris L. Smith, dba

Jane Tegman Realty - P. O. Box 1180, Kawaihae Rd., Kamuela
Jane M. Tegman, dba

Vista Realty - 98-1247 Kaahumanu St., #310 A, Aiea
Charles Daitoku, dba

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

CORPORATE NAME CHANGE

Real Estate Locators, Inc. - 1314 So. King St., #606, Honolulu
Paul Y. M. Kang, db (formerly Kang & Daggett Assocs, Inc.)

Ralph Yagi moved and John Urner seconded to approve change of corporate name of Real Estate Locators, Inc. Motion carried unanimously.

RESTORATION OF FORFEITED LICENSE - past 2 years

Roger D. Larson

After discussion, Ralph Yagi moved and Edwin Shiroma seconded to approve restoration of forfeited real estate salesman's license of Roger Larson. Motion carried unanimously.

Malcolm Y. Miyashiro

Following discussion, Ralph Yagi moved and John Urner seconded to hold an informal conference with Malcolm Miyashiro to discuss this matter. Motion carried unanimously.

Miscellaneous: Francis & Sandra Kieffer vs. Harold Fuller et al., Civil No. 53226

Letter from Sidney Ayabe, Real Estate Recovery Fund counsel, stating that complaint has been received alleging misrepresentation and that complainant is trying to recover from the Real Estate Recovery Fund. Counsel has reviewed the file and recommends further investigation into the matter and proceed to a disciplinary hearing.

Edwin Shiroma moved and Tadayoshi Ishizu seconded to refer this matter for further investigation and proceed for a possible hearing if evidence indicates it. Motion carried unanimously.

Computer Printed Certificates

Executive Secretary reported that staff has come up with computer certificates. Administration requests the Commission to consider going toward computer certificates if it approves the idea and authorizes to go ahead. A sample certificate was circulated.

After considerable discussion, Ralph Yagi moved and John Urner seconded to defer this matter until a full Commission is present to act on it. Motion carried unanimously.

1978 Legislation

Executive Secretary reported on the following 1978 legislation bills which were signed by the Governor on June 3, 1978:

Act 176 (S.B. No. 2581) - Relating to HPR law

Act 178 (H.B. No. 2403) - Relating to HPR law

Act 208 - Relating to Boards and Commissions Members

Executive Secretary further reported that there will be special printing of the amendments to the HPR portion of the law.

Act 208 will increase the number of the Commission from the present 7 members to 9 members. The 2 new members will be public members.

Correspondence: E.T.S. Letter re: Examination Content Specifications and Question Writing Workshop

Executive Secretary read a letter regarding the above-captioned matter.

The next E.T.S. meeting will be held in July in Las Vegas. Edwin Shiroma will represent Hawaii.

Hawaii Association of Real Estate Schools Letter re: April 1978 Examination

Executive Secretary briefly read the points that were brought up by Kenneth Chong, President of Hawaii Association of Real Estate Schools, relative to the April 1978 examination. In general, it stated that the exam was too easy and failed to test minimum competency.

Anonymous Note re: April 1978 Examination

Commission received a letter that John Stapleton School of Real Estate circulated and on which an anonymous person wrote his remarks. This letter will be kept on file.

Announcement: Appointment of Toru Kawakami to Real Estate Commission

Executive Secretary announced that Toru Kawakami, Kauai member will be sworn in on July 6, 1978 in Lihue and will be able to take part at the next Commission meeting.

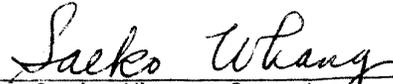
Date of Next Meeting:

Friday, July 28, 1978, at 9:00 a.m.

Adjournment:

There being no other business to transact, Edwin Shiroma moved and Tadayoshi Ishizu seconded to adjourn the meeting. Motion carried unanimously.

Taken and recorded by:


Saeko Whang, Secretary

Approved by:


YUKIO HIGUCHI, Executive Secretary