

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

MINUTES OF MEETING

Date: Friday, July 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
Toru Kawakami, Member
Edwin H. Shiroma, Member
John M. Urner, Member

Randall Y. Iwase, Deputy Attorney General
Yukio Higuchi, Executive Secretary
Saeko Whang, Secretary

Rhoda Feinberg, Education Director, Hawaiian Ass'n of Realtors
Joseph Choy, Director, S.B.M.P, Univ. of Hawaii
Donald Bell, Prof. College of Bus. Admin. Univ. of Hawaii
John Reilly, Former Educational Consultant
Jane Ley, Associate Director, State Ethics Commission
Malcolm Y. Miyashiro, Applicant for R.E. Salesman License
Roy E. Lovett, Jr., " " " " "
Jon Rich, Principal broker of IRMI

Absent: Ralph S. Yagi, Member - Excused

Call to Order: There being a quorum present, the meeting was called to order by
Chairman Ah Kau Young at 9:05 a.m.

Chairman Young introduced Toru Kawakami, new member from Kauai.

The Executive Secretary apprised that the agenda for today's
meeting was filed on Monday, July 24, 1978 at the Lt. Governor's
office in compliance with the Sunshine Law.

Minutes: Mary Savio moved and Tadayoshi Ishizu seconded to approve the
minutes of June 30, 1978 meeting as circulated. Motion carried
unanimously.

Committee Real Estate Education Advisory Council
Reports:

Application for Real Estate School

Jones/Spalding School of Real Estate

Inasmuch as John L. Spalding is not certified as a real
estate instructor, Edwin Shiroma moved and Tadayoshi Ishizu
seconded to deny certification of Jones/Spalding School of

Real Estate. It was suggested that it is best to change the name of the school at the Business Registration Division. Motion carried unanimously.

Application for Real Estate Instructor's Certificate

Norma Joyce Jones (b & s)

On the recommendation of Executive Secretary, Mary Savio moved and Tadayoshi Ishizu seconded to approve Norma Joyce Jones application for certification as a real estate broker and salesman instructor subject to verification from DOE. Motion carried unanimously.

John Lancaster Spalding (b & s)

Following discussion, Edwin Shiroma moved and Tadayoshi Ishizu seconded to deny certification of John Spalding's application for real estate instructor on the basis that he lacks experience in real estate. Motion carried unanimously.

Ad Hoc Education Committee on Broker Education and Broker Experience

Mary Savio, Chairman of the Ad Hoc Committee, reported on the study of the real estate broker education and experience requirements for broker licensing. The Committee, consisting of Joseph Choy, Prof. Donald Bell, Kenneth Chong, Ann Jefferies, Yukio Higuchi, Edwin Shiroma and Mary Savio, recommended a proposal of 6 courses totaling 240 classroom hours to upgrade the present 40-hour broker course.

It was also proposed that the present licensees who are licensed as real estate salesmen and are working towards a broker's license could be grandfathered. The time table would be 2 years, those people having salesman's license before January 1, 1979 will have until January 1, 1981 to qualify under the broker's license program.

Copies of the proposal were distributed to the members.

After much discussion, Mary Savio moved and Edwin Shiroma seconded to accept the Ad Hoc Committee's recommendation. Motion carried unanimously.

Law & Rules Review Committee

Edwin Shiroma reported that his Committee has diligently worked on the revisions to Chapter 20 and hopefully by the end of the year, drafts can be typed up and public hearings can be scheduled early next year.

The next Rules Committee meeting will be held on August 24, 1978 at Tropic Shores Realty conference room.

Minutes of Meeting of July 28, 1978

Malcolm Y. Miyashiro

Miyashiro requested an audience before the Commission to discuss the matter of his forfeited real estate salesman's license.

After the question and answer period, Chairman Young thanked Miyashiro for coming and said the decision will be made later.

After discussion, Mary Savio moved and John Urner seconded to approve restoration of Malcolm Miyashiro's forfeited real estate salesman's license. Motion carried unanimously.

Roy E. Lovett, Jr.

At the June 30th meeting, Lovett appeared to discuss the matter of restoration of his forfeited license; however, the Commission had deferred this matter until such time the Commission has had an opportunity to discuss further with Ronald Lokar, his former broker.

Letter was sent to Lovett requesting that he, accompanied by Lokar, appear at the July meeting.

Inasmuch as Lovett did not appear with Lokar, the Commission decided to defer action to the August meeting.

RE-78-47 Island Resort Management, Inc.

At last month's meeting, Commission reviewed the matter and decided to hold an informal conference with Jon Rich to discuss this matter.

When queried regarding the 2% commission overcharge, Rich replied that he has already reimbursed the party. Rich was requested to submit the cancelled check to the Commission.

After the question and answer period, Rich was advised that after receipt of the cancelled check, he will be advised of Commission's findings.

Following discussion, Mary Savio moved and Tadayoshi Ishizu seconded to dismiss complaint upon receipt of the cancelled check and to warn Rich that a licensee can not practice in one brokerage firm for rental only and at another firm hang his license to do sales. Motion carried unanimously.

CON-76-12 Maunaihi Developers

In his letter, Daniel Matsukage gave a status report regarding the settlement the Commission requested. He still has not heard from Hamano and the Association of Apartment Owners.

Inasmuch as Matsukage has taken remedial steps and received no response, John Urner moved and Mary Savio seconded to write to the Association of Apartment Owners to get the waiver of release and, if we do not get any response within 30 days, the Commission will drop the matter. Motion carried unanimously.

Investigations: The Complaint Review Committee had met on Tuesday, July 25, to review the following investigations:

RE-77-129 Harold L. Fuller, Sr.

Following discussion, Mary Savio moved and Toru Kawakami seconded to accept the Complaint Review Committee's recommendation to have Executive Secretary prepare hearing notice for violation of Section 467-14(7) and (8), H.R.S. and report back at the August meeting. Motion carried unanimously.

RE-78-37 Joseph T. Shea dba Shea-Pacific Realty, and Amy Shea

As the Commission members concurred with the recommendation of the Committee, Edwin Shiroma moved and Tadayoshi Ishizu seconded to dismiss complaint with a letter of warning to Joseph Shea for a technical violation of Rule 1.3(g). Motion carried unanimously.

RE-78-41 Douglas H. Correa, National Realty, Inc., Randall J. Gomes, and Wallace Y. Watanabe

After discussion, Mary Savio moved and Tadayoshi Ishizu seconded to accept Complaint Review Committee's recommendation to have Executive Secretary prepare the proposed draft of hearing notice for presentation at the next Commission's meeting for consideration on Gomes and Watanabe. Motion carried unanimously.

RE-78-49 Elliot Magoun dba Magoun Realty

Following discussion, Edward Shiroma moved and Mary Savio seconded to concur with the Complaint Review Committee's recommendation to hold an informal conference with Elliot Magoun. Magoun should be requested to bring his ledgers and cancelled checks for Suga's rental from July 1977 to the date account was closed in March 1978. Motion carried unanimously.

RE-78-79 Peter J. Vana

After discussion, it was moved by Tadayoshi Ishizu and seconded by Edwin Shiroma to accept Complaint Review Committee's recommendation to dismiss complaint on the grounds that there is insufficient evidence to support the allegations. It was felt that there was no violation of Rule 1.3(g) because a brother-in-law who lives at another address is not considered a member of his immediate family. Motion carried unanimously.

CON-77-13 Menehune Shores Hui and Walter C. Witte

Following discussion, Edwin Shiroma moved and Tadayoshi Ishizu seconded to concur with the recommendation of the Complaint Review Committee to refer this matter to the Attorney General's office for an opinion. Motion carried unanimously.

New Business:

LICENSING

CORPORATION

CPM Associates, Inc. - Kahului Bldg., 33 Lono Ave., #260, Kahului
Charles P. McClelland, pb

Certified Properties, Inc. - 900 Fort St., Mall #1260, Honolulu
Mitsuo Murakami, pb

Clairerik, Inc. - 1750 Kalakaua Ave., #2110, Honolulu
Claire Wright, pb

Foster Associates, Inc. - 700 Bishop St., #900 E, Honolulu
Edmund F. Fitzsimmons pb

International MBA Associates, Ltd. dba IMBA Associates, - 745
Neil A. Birnbaum, pb Fort St., Honolulu

Maui Sea Cliffs Development, Inc. - 915 Fort St., 10th Floor,
John A. Topliss, pb Honolulu

Monroe & Friedlander Management, Inc. - 1866 Pacific Trade
Eileen B. Spensky, pb Center, Honolulu

Pacific Basin Resorts, Inc. - 190 So. King St., #2620, Honolulu
Gregg R. Kashiwa, pb

Pearlridge Realty, Inc. - 98-200 Kam Hwy, #405, Aiea
Anna L. Morris, pb

Rainbow Holiday Properties Ltd. - 307 Lewers St., #510, Honolulu
Judson G. Banks, Jr., pb

Real Estate Gallery, Ltd. - 1441 Kapiolani Blvd. #1310, Honolulu
Joseph M. Pryzygodzinski, pb

Village West Realty, Inc. - 910 Honoapiilani Hwy #2, Lahaina
Patricia A. Hearn, pb

Wespac Realty, Inc. - 111 N. King St., #411, Honolulu
Stanley M. Ito, pb

Westcott-Goldstein & Associates, Inc. - 2222 Kalakaua Ave. #1507,
Jay R. Westcott, pb Honolulu

John Urner moved and Toru Kawakami seconded to approve the above applications for corporate licenses with the exception of

Westcott-Goldstein & Associates, Inc. The application of Westcott-Goldstein, Inc. was disapproved on the basis that Goldstein is not a licensed broker. Motion carried unanimously.

BRANCH OFFICE

Associated Realty, Ltd. - 75-155 B Kalani St., #2, Kailua-Kona
William K. Childs, bic

Ivan G. Pivaroff - 2511 S. Kihei Rd., Ste H, Kihei
James J. McCartin, bic

Edwin Shiroma moved and Tadayoshi Ishizu seconded to approve the above 2 applications for branch offices. Motion carried unanimously.

TRADENAME

Basque Realty - Kainaliu, Kailua-Kona
David Basque, dba

Ray Kosaka Realty - 1431 So. Beretania St., #204, Honolulu
Raymond Y. Kosaka, dba

G. Lum Realty - 841 Bishop St., #1820, Honolulu
Virginia K. Lum, dba

Myers Realty - 444 Hobron Ln. #405, Honolulu
Robert S. Myers, dba

J. M. Uyehara & Associates - 1259 So. Beretania St., Honolulu
Jerry M. Uyehara, dba

Mary Savio moved and Edwin Shiroma seconded to approve the above applications for tradenames. Motion carried unanimously.

CORPORATE NAME CHANGE

Century 21 American Homes, Inc. - 850 W. Hind Dr., #201, Honolulu
(formerly American Homes, Inc.)

Following discussion, Mary Savio moved and Edwin Shiroma seconded to defer action on the matter and invite Gregory Blotsky in for an informal conference to discuss this matter. He is requested to bring in the franchise agreement and samples of advertising material. Motion carried unanimously.

RESTORATION OF FORFEITED LICENSE - past 2 years

Benjamin C. Faria

Edwin Shiroma moved and John Urner seconded to approve restoration of Benjamin Faria's forfeited license. Motion carried unanimously.

Miscellaneous: Introduction of Dr. Fred Case, Real Estate Chair

Professor Donald Bell introduced Dr. Fred Case to the Commissioners and staff. Dr. Case stated that he will be teaching special courses and he will also be conducting several workshops in Hilo, Kona and Oahu.

Computer Printed Certificates

After the Commissioners discussed the pro and con of having computer printed certificates, Mary Savio moved and John Urner seconded to disapprove the idea to change over from the present system and to forward the Commission's sentiments to Licensing Administrator Dick Okaji. Motion carried unanimously.

Petition for Declaratory Ruling

At the request of Executive Secretary, Edwin Shiroma moved and Mary Savio seconded to add this matter to the agenda in compliance with the Sunshine Law. Motion carried unanimously.

Attorney Jon Miho had presented this matter at the January 1978 meeting regarding telephone solicitation and at that time Commission's counsel advised that if First Hawaiian Properties wanted a ruling to petition for a declaratory ruling.

Copies of the request to petition for a declaratory ruling were circulated to members of the Commission.

After discussion, Edwin Shiroma moved and Mary Savio seconded to request Attorney General's opinion and advice as to the procedure on this matter. Motion carried unanimously.

NARELLO Fall Meeting

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

Executive Secretary reported that the NARELLO meeting which will be held in New Orleans will most probably start from November 1 preceded by E.T.S. meeting on October 29 & 30, 1978.

It was moved, seconded and carried to have the following represent Hawaii:

Toru Kawakami
Executive Secretary
Ah Kau Young
Edward Shiroma

Correspondence: Letter from Harry S. Y. Kim regarding Home Owners Warranty Program

Executive Secretary read letter from Harry S. Y. Kim on this matter. After subject matter was discussed in length, John Urner moved and Tadayoshi Ishizu seconded to write a letter stating the Commission is very much interested in the program however, we would like to have more information. Motion carried unanimously.

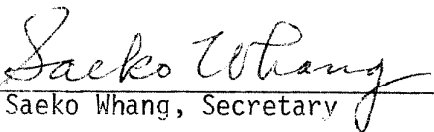
Date of Next Meeting:

Friday, August 25, 1978, at 9:00 a.m.

Adjournment:


There being no other business to transact, the meeting was adjourned at 3:10 p.m.

Taken and recorded by:



Saeko Whang, Secretary

Approved by:



YUKIO HIGUCHI, Executive Secretary