

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

MINUTES OF MEETING

Date: Friday, April 27, 1979

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. Shirama, Member
John M. Urner, Member
Ralph S. Yagi, Member

Yukio Higuchi, Executive Secretary
Saeko Whang, Secretary
Clifford Miyoi, Administrator of Insurance Division

John Reilly, President, RESAH
Guy Chu, Applicant for real estate license
Gary Budlong, Applicant for real estate license
Edson Hoo, Dillingham Corporation
Walter I. Kawano, Dillingham Corporation
Ronald Tom, " "
John Anderson, Bank of Hawaii
James Conahan, Attorney representing John Dilks, Inc. and Irene
Jacobs, Inc.
Irene Jacobs, Broker
John Dilks, Broker

Call to Order: There being a quorum present, Chairman Ah Kau Young called the meeting to order at 9:15 a.m.

The Executive Secretary apprised that the agenda for today's meeting was duly processed on Monday, April 23, 1979, at the Lt. Governor's office in compliance with the Sunshine Law.

Minutes: Executive Secretary entertained a motion to correct an error to the March 30, 1979 minutes under Investigations RE-78-80, Rod Burgess Realty, Inc. on page 5, second paragraph, which should read "Also to hold a formal hearing against Rod Burgess, principal broker."

Mary Savio moved and Ralph Yagi seconded that the minutes be amended on page 5 to show that it is intended that the hearing will be against Rod Burgess, principal broker, rather than Rod Burgess Realty, Inc. Motion carried unanimously.

On another matter regarding appointment of Dr. James Graaskamp, on page 2, second paragraph, Mary Savio moved and Ralph Yagi seconded to amend the March 30, 1979 minutes to read "Graaskamp conducts 6 seminars - 2 for Oahu and 4 for neighbor islands." Motion carried unanimously.

Mary Savio moved and Ralph Yagi seconded to approve as amended the minutes of March 30, 1979. Motion carried unanimously.

Committee Reports:

Real Estate Education Advisory Council

Application for Accreditation of Broker Course for Richard Daggett School of Real Estate

Although the Executive Secretary and Mary Savio had reviewed the curriculum of Richard Daggett School of Real Estate broker course, there was a question as to the number of hours required 43 hrs. vs. 46 hrs. which had to be cleared. Therefore, Toru Kawakami moved and Ralph Yagi seconded to defer this matter. Motion carried unanimously.

Real Estate Book Donation

Executive Secretary stated that this matter was placed on the agenda as a reminder that it is the time to be thinking of book donations to the library systems.

Edwin Shiroma moved and Toru Kawakami seconded that a committee be formed to check into the matter as to suggested list and report back to the Commission. Motion carried unanimously.

Mary Savio volunteered to serve on the Committee with Edwin Shiroma and Ah Kau Young.

Laws and Rules Review Committee

Proposed Amendments to Broker Education and Experience Requirements

Executive Secretary reported that public hearings will be scheduled on the neighbor islands as follows:

- Kauai - June 4th
- Maui - June 5th
- Kona - June 6th
- Hilo - June 7th

Edwin Shiroma will accompany Executive Secretary to all the neighbor island hearings.

Public hearing on Oahu has been scheduled on June 21, 1979, at 10:00 a.m., in the Examination-Conference Room, Kamamalu Building.

Proposed Amendments to Chapter 20, Commission's Rules and Regulations

Chairman Edwin Shiroma reported that the Rules Committee has completed reviewing the entire Chapter 20.

He announced that there will be no Rules Review Committee meeting for the months of May and June, 1979.

Attorney General's Report

There was nothing to report inasmuch as the Deputy Attorney General was unable to be present.

Business Out
of Minutes:

Questionable Applications

Guy Chu, Applicant for Salesman License

Guy Chu's application for real estate salesman license had been denied at the January meeting on basis of Rule 3.1(f).

Subsequently Chu had requested a formal hearing but when contacted, he agreed to an informal conference in lieu to the formal hearing to discuss this matter.

After the question and answer period, Chu was advised that the matter will be taken under advisement and that he will be so informed.

Edwin Shiroma moved and Mary Savio seconded to approve Chu's application for real estate salesman license. Motion carried unanimously.

Gary Budlong, Applicant for Restoration of Real Estate Salesman License

At the March 30, 1979 meeting, Commission had deferred this matter to afford Gary Budlong an opportunity to discuss information contained in his affidavit.

After the question and answer period, Chairman Young thanked Budlong and advised him that the matter will be taken under advisement and he will be informed of the outcome.

Ralph Yagi moved and Toru Kawakami seconded to approve Gary Budlong's application for restoration of forfeited real estate salesman license. Motion carried unanimously.

Rule 1.9 Application for Restoration

As this matter was not placed on the agenda, Mary Savio moved and Toru Kawakami seconded to add this matter in compliance with the Sunshine Law. Motion carried unanimously.

Mary Savio moved and Tadayoshi Ishizu seconded that upon reconsideration, the Commission reverse the decision taken at the March 30, 1979 meeting to remove the requirement of paying past delinquent fees from Bruce Buckman and Emma-Jay Frias. Motion carried unanimously.

Hawaiian Dredging & Construction Company request for acceptance of Dillingham Corp.'s Performance and Payment Bond

Ronald Tom, Ed Hoo and Walter Kawano representing Dillingham Corporation and John Anderson representing Bank of Hawaii were present to discuss the matter of Dillingham Corp. performance and payment bond.

This matter had been deferred at the March meeting in order for the Executive Secretary to check with Clifford Miyoi, Insurance Commissioner, the matter of performance bond. Mr. Miyoi was unable to be present this morning.

After the question and answer period, Chairman advised the group that the matter will be taken under advisement.

After a lengthy discussion, Mary Savio moved and Edwin Shiroma seconded to permit Dillingham Corp. to continue to issue bond on projects they have already bid on - Matlock Hale, Waikiki Banyan, Iolani Court Plaza, Prince Kuhio Towers, Waikiki Sunset-Makai, and Waikiki Townhouse but that Dilco be advised that the Commission is seeking the Attorney General's opinion and that no other projects should be bid on this basis until we receive favorable Attorney General's opinion. On this same motion, the Executive Secretary was instructed to get in touch with the Attorney General and request an opinion particularly pointing out our concern with the possible anti-trust implication and whether Dilco can act as surety for projects for which they are the contractor and are they really a disinterested third party in that situation. Motion carried unanimously.

CON-76-12 Maunaihi Developers

As this matter had been pending for several months, Executive Secretary brought it to Commission's attention to consider dismissing complaint inasmuch as Daniel Matsukage, developer, had attempted to resolve the matter with the Association of Apartment Owners and get a waiver of release but to no avail. Matsukage have made efforts to comply with Commission's requirements.

Following discussion, Mary Savio volunteered to check with Warren Wagesund, account executive at Tropic Shores Realty, Ltd., to determine whether the Board of Directors at Maunaihi were still willing to meet with Daniel Matsukage.

Mary Savio reported back that the Board of Directors are still open for discussion on this matter. Therefore, Mary Savio moved and Tadayoshi Ishizu seconded to defer action to the June meeting and, if it is not resolved by that time, Commission should consider dismissing it. Motion carried unanimously.

CON-77-19 Sugar Beach Development Co.

Executive Secretary gave informational background on this old pending case. A letter to attorney Kopperud was sent requesting additional information from the Leckwolds within 20 days. Kopperud, in response, stated that attorney Edward Bybee is now representing the Leckwolds. Bybee had requested the Commission to grant extension before rendering its decision to provide his clients one last chance to submit additional evidence.

Following discussion, Mary Savio moved and Ralph Yagi seconded to advise Edward Bybee that this matter will be set for the June 22, 1979 meeting to submit additional evidence and to give extension of 20 days from the date the letter is written. Motion carried unanimously.

CON-78-5 Menehune Shores Hui

Executive Secretary reported that he had written to Walter Witte to give us a progress report regarding the matter of floor covering, but to date, Witte did not respond.

Following discussion, Ralph Yagi moved and Tadayoshi Ishizu seconded to authorize Executive Secretary to write to Witte and remind him of Commission's letter dated October 20, 1978, and, if he does not give us a status report within 20 days from the date of the letter, the Commission will make its decision. Motion carried unanimously.

Investigations: RE-78-132 Yu Sin Kim

Following discussion, Mary Savio moved and Ralph Yagi seconded to refer this matter to the Investigator to contact Respondent Kim and ask that we be supplied with a copy of one or two of his transaction documentation with International Land Company, Inc. Motion carried unanimously.

RE-78-155 Baldwin Realty

After discussion, Edwin Shiroma moved and Tadayoshi Ishizu seconded to dismiss complaint as findings do not reveal any violation by Baldwin Realty under Section 467-14(1) and (8) and Commission's Rule 1.3(b) under the following circumstances:

- (1) the survey clearly indicates the easement is not on the property, it adjoins the property;

- (2) the description of the title search clearly states and makes note that the property should have been surveyed at the time of ownership of Felix. Felix had full knowledge that the property should have been surveyed prior to the sale to the Kitchens; and
- (3) Felix showed the survey to the Investigator - not Baldwin Realty.

Motion carried unanimously.

RE-79-15 Jane Tegman Realty, Inc. and Grosvenor International

Following a brief discussion, Mary Savio moved and Edwin Shiroma seconded to dismiss complaint on the basis that Jane Tegman and Louise Coakley were acting as agents to the owners and they did not have the right to accept the offer. Motion carried unanimously.

New Business:

LICENSING

Corporation

The American Land Company, Ltd. - 841 Bishop St., #202, Hon.
John W. Lyles, pb

Anchor Realty Corporation - 1221 Kapiolani Blvd., #1111, Hon.
Daniel Chadwick, pb

Bailey Realty, Inc. - 211 Banyan Dr., Hilo
Robert T. Bailey, pb

Bamboo Realty, Inc. - 745 Fort St., #412 D, Honolulu
Patrick L. McLane, pb

Buckman and Co., Inc. - 1833 Kalakaua Ave., #212, Honolulu
Bruce F. Buckman, pb

Condo Data Maui, Inc. - 675 Front St., Lahaina
Jacqueline C. Helton, pb

Enterprise Realty and Investments, Inc. - 745 Fort St., #2100
Bettina L. Uris, pb Honolulu

Hamilton Hawaii Corporation - 2070 Kalakaua Ave., Honolulu
Eugene T. Hamilton, pb

Hanahou Realty, Inc. - 3075 Kalihi St., Honolulu
Bernard E. Au, pb

Eileen Hunter Realty, Inc. - 348 Lahainaluna Rd., Lahaina
Lois E. Hunter, pb

Johnstone & Associates, Inc. - 2131 Kalakaua Ave., #212, Hon.
Paul R. Johnstone, pb

Kauai Appraisal & Real Estate Corp. - 4444 B Hardy St., Lihue
Nelson K. Hardenbergh, pb

Edward Henry Kroeger, Jr., Ltd. - RRI Kiahuna Resort Dev., Koloa
Edward H. Kroeger, Jr., pb

Malia Kai Realty, Inc. - 75-5665 Alii Dr., Kailua-Kona
Robert L. Bates, pb

Floyd Miguel & Associates, Inc. - 80 Pauahi St., Hilo
Flordelino A. Miguel, pb

Nevels, Inc. - 1541 So. Beretania St., #301, Honolulu
Joel Nevels, pb

Mary Savio moved and Ralph Yagi seconded to approve the above
listed corporations. Motion carried unanimously.

D and I Inc. dba Dickson Hoogs Realty - 75-5831 Kahakai Rd.,
Dickson Hoogs, pb Kailua-Kona

Mary Savio moved and Ralph Yagi seconded that Executive Secretary
inform D and I Inc. dba Dickson Hoogs Realty that Commission
would approve application subject to the understanding that
corporation will advertise with the dba name together with
corporate name. Motion carried unanimously.

Egan Stanley Corp. - 821 Cooke St., Honolulu
Harold K. Kobayashi, pb

Mary Savio moved and Ralph Yagi seconded to inform Egan Stanley
Corp. that they are using unlicensed person's name and sales-
man's name in their firm which is a violation of the intent of
Rule 2.3(b) and suggest that they cooperate and decide on
another name which is in conformity of the rules. Motion
carried unanimously.

Branch Office

Hugh Menefee, Inc. - 1778 Ala Moana Blvd., Honolulu
James W. Byrer, bic

Menefee Management Corporation - 1778 Ala Moana Blvd., Honolulu
Hugh A. Menefee, bic

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

Tradename

Acacia Realty - 2828 Paa St., #2150, Honolulu
Rodrigo A. Ulep, dba

Randy Cabanilla Realty - 33 Market St., #102, Wailuku
Randolph R. Cabanilla, dba

Campbell Company - 130 Merchant St., #1900, Honolulu
Jan Campbell, Inc. dba

Jim Dempsey Realty - 98-1247 Kaahumanu St., #311, Aiea
James B. Dempsey, dba

Ernie Dias & Associates - 49 So. Hotel St., #306, Honolulu
Ernest K. Dias, dba

Kale Alena Realty - 65 Maluhia Dr., Wailuku
Charles Allen, Jr., dba

Kuhio Homes - 1020 Keeaumoku St., #303, Honolulu
Randolph A. Batoon, dba

Dennis C. Lopes Realty - Rm 204, Lahaina Shopping Ctr. Off. Bldg
Dennis C. Lopes, dba Lahaina

Pacific Trust Realty - 1412 Amfac Bldg., Honolulu
Michael Y. T. Chun, dba

Ed Perkins Realty - RR1 Box 379, #311, Wailuku
Edward B. Perkins, dba

RBJ Realty - 700 Bishop St., #1900, Honolulu
R. Blake Johnson, Jr. dba

Diamond Head Realty - 1111 Bishop St., #507, Honolulu
Francis A. Goffredo, dba

Mary Savio moved and Ralph Yagi seconded to approve the above listed Tradenames with the exception of Campbell Company and Waikiki International Land Co. which changed its name to Diamond Head Realty. Campbell Company be approved subject to Executive Secretary advising them that they must advertise with the corporate name or alternative would be to change the dba to remove the individual's name. Diamond Head Realty be approved subject to name check. Motion carried unanimously.

Restoration of Forfeited License (past 2 years)

Anthony W. Burris (salesman)

Ralph Yagi moved and Edwin Shiroma seconded to approve restoration of forfeited license of Anthony Burris. Motion carried unanimously.

Stephen J. Conlan (salesman)

Mary Savio moved and Ralph Yagi seconded to deny Stephen Conlan's application for restoration of forfeited license. Motion carried unanimously.

On a second motion, Mary Savio moved and Ralph Yagi seconded to waive the educational requirement for the August 4, 1979 examination only. Motion carried unanimously.

Robert E. Witthans (salesman)

Ralph Yagi moved and Edwin Shiroma seconded to approve Robert Witthans's application for restoration of forfeited license. Motion carried unanimously.

William L. George (salesman)

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

Ralph Yagi moved and Edwin Shiroma seconded to approve William George's application for restoration of forfeited license. Motion carried unanimously.

Application for License (past 1 year)

Aida G. Carlos Rufo (salesman)

Edwin Shiroma moved and Ralph Yagi seconded to deny Aida Rufo's application for real estate salesman license based on Rule 3.1(f). Motion carried unanimously.

Reinstatement

Violet C. King (broker)

Violet King, whose real estate broker's license was revoked by the Commission in the past has applied for the issuance of a real estate broker's license at this time.

Following discussion, Edwin Shiroma moved and Ralph Yagi seconded to reaffirm Commission's action taken at the May 27, 1977 meeting. The Commission waived the educational requirement but not the examination. Motion carried unanimously.

Miscellaneous: James Whitman's request for waiver of experience for broker examination

Executive Secretary read letter from James Whitman requesting waiver of experience for broker examination listing his past experiences.

After discussion, Mary Savio moved and Ralph Yagi seconded to approve waiver of 1 year's experience. Motion carried unanimously.

Permanent Appointment of Departmental Hearings Officer

Executive Secretary reported that at the suggestion of a staff member, he recommends appointing a permanent Departmental Hearings Officer to conduct all hearing cases until such time it is revoked by the Commission.

Mary Savio moved and Ralph Yagi seconded to name Darryl Choy or his successor as Commission's permanent hearings officer. Motion carried unanimously.

E.T.S. Score Report Change

An announcement from E.T.S. indicating a new method of scoring was circulated. This announcement will be mailed to all the real estate schools.

1980 Examination Dates

The following dates were selected as the 1980 examination dates:

April 5, 1980
August 2, 1980
November 22, 1980

The dates are subject to change if there is a need to change.

Proposal of examination twice a year

This matter was deferred.

Advertisement of John Dilks, Inc. and Irene Jacobs, Inc.

Irene Jacobs and John Dilks appeared with attorney James Conahan to discuss their newspaper advertisements. The Commissioners reviewed the 2 ads which shows John Dilks, Inc. and Irene Jacobs, Inc. which could be confusing to the public.

After a lengthy discussion, Mary Savio moved and Ralph Yagi seconded to defer action on this matter and to refer it to the Complaint Review Committee for further study. Motion carried unanimously.

Correspondence: NARELLO's notice of election of Western District Director

Executive Secretary announced that Stan Robeson of Wyoming was selected as the Director replacing Jeanne Hannafin.

April 7, 1979 Examination

At the request of Executive Secretary Mary Savio moved and Edwin Shiroma seconded to add this matter to the agenda. Motion carried unanimously.

The April 7, 1979 examination results from E.T.S. were reported by the Executive Secretary as follows:

Brokers: 273 registered, 267 tested, 6 absent, 222 passed = 84%
43 failed = 16% Cut score - 75%

Salesmen: 1,785 registered, 1,643 tested, 142 absent, 1,274 passed = 78%
369 failed = 22% Cut score - 70%

A critique letter from John Reilly, President of Hawaii Association of Real Estate School was received regarding the April 7, 1979 real estate exam. It was suggested that John Reilly write directly to E.T.S. on questions posed in the communication.

Selection of Delegates to Western Conference

The following were selected to represent Hawaii at the Western Conference in Wyoming in June 1979:

- Ralph Yagi
- Tadayoshi Ishizu
- Toru Kawakami
- Executive Secretary

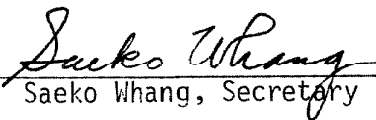
Date of Next Meeting:

Friday, May 25, 1979

Adjournment:


There being no other business to transact, the meeting was adjourned at 4:30 p.m.

Taken and recorded by:



 Saeko Whang, Secretary

Approved by:



 YUKIO HIGUCHI, Executive Secretary