

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

MINUTES OF MEETING

Date: Friday, November 30, 1979

Place: Board Room, Kamamalu Bldg.  
1010 Richards Street, Honolulu, Hawaii

Present: Ah Kau Young, Chairman  
Tadayoshi Ishizu, Member  
Toru Kawakami, Member  
G. A. "Red" Morris, Member  
Ralph S. Yagi, Member  
John M. Urner, Member

Donald D. H. Ching, Deputy Director  
Dick H. Okaji, Licensing Administrator  
Sandy Holck, Real Estate Education Specialist  
Yukio Higuchi, Executive Secretary  
Saeko Whang, Secretary

Joseph Choy, Director, S.B.M.P., Univ. of Hawaii  
Sheila Lau, Education Officer, Hawaii Ass'n of  
Realtors  
Andrea Lorenz, Applicant for real estate salesman  
license  
Ellamae Kupau, Applicant for real estate broker  
license  
Hansel L. S. Chang, broker representing Mabel L. T.  
Chu-Tom  
Bernice Pfeiffer, Applicant for restoration of  
broker license  
David Namaka, Attorney for Bernice Pfeiffer  
Sonia Tanaka of Stapleton School of Real Estate

Absent: Edwin H. Shiroma, Vice Chairman  
Gregg T. Yamanaka, Member  
Francis N. Kauhane, Member

Call to Order: There being a quorum present, Chairman 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  
Tuesday, November 27, 1979 at the Lt. Governor's  
office in compliance with the Sunshine Law.

Real Estate Exam: Deputy Director Donald Ching reported that arrangements for the real estate examinations, which were postponed due to the UPW strike, have been set for December 8, 1979 and a special administration exam on January 12, 1980. He added that a lot of time and effort were expended by the departmental staff in finalizing this examination.

Introduction: Executive Secretary introduced Sandy Holck, Real Estate Education Specialist, to the members of the Commission.

Licensing Administrator Dick H. Okaji submitted an outline program for the real estate education specialist for Commission's review. He briefly touched on the priorities that this new position will undertake.

Following discussion, Toru Kawakami moved and Tadayoshi Ishizu seconded to refer this matter to the Education Committee for study and to report its recommendations at the next Commission's meeting. Motion carried unanimously.

Minutes: Toru Kawakami moved and Ralph Yagi seconded to approve the minutes of October 25, 1979 as circulated. Motion carried unanimously.

Committee Reports: Real Estate Education Advisory Council

Application for Real Estate Instructor  
Certification and Real Estate School  
Accreditation

Herbert Bob Stellmacher (b & s)

Upon the recommendation of Executive Secretary, Toru Kawakami moved and Tadayoshi Ishizu seconded to approve Herbert Bob Stellmacher's application for certification as an instructor for real estate broker and salesman courses. Motion carried unanimously.

Stephen K. Yamada (b & s)

Ralph Yagi moved and G. A. "Red" Morris seconded to approve Stephen Yamada's application for certification as an instructor for real estate broker and salesman courses. Motion carried unanimously.

John M. Rolls, Jr. (law)

Upon the recommendation of the Executive Secretary, Ralph Yagi moved and Tadayoshi Ishizu seconded to approve John Rolls' application for certification as a specialized instructor in law. Motion carried unanimously.

S.K.Y. School of Real Estate (b & s)

Ralph Yagi moved and Tadayoshi Ishizu seconded to defer action on S.K.Y. School of Real Estate until submittal of materials such as syllabus of course material, course outline and schedule of class assignments, school brochure, copy of student contract form, application for enrollment and record forms, copy of license granted by DOE and statement of school policies. Motion carried unanimously.

S.B.M.P. Report  
Appointments to Real Estate Chair

It was moved by Ralph Yagi and seconded by Toru Kawakami to add the above two matters on the agenda in compliance with the Sunshine Law. Motion carried unanimously.

S.B.M.P. Report

Joseph Choy, Director of S.B.M.P. brought the Commission up to date on its program. He reported that on all neighbor islands tentative arrangements have been made to start the program in February 1980. Approximately 70% of the people taking the class are licensees and 30% from other areas. The final report on finance and attendance will be made at a later date.

Appointment of Real Estate Chair

By letter dated November 29, 1979, Dean David Heenan recommended the appointment of Dr. Jerome Dasso to the Real Estate Chair for 1980-81 for one year and the appointment of Dr. Richard Haney to be deferred for a year or so.

Ralph Yagi moved and John Urner seconded to approve the appointments as recommended and to forward it to the Director of Regulatory Agencies for his concurrence. Motion carried unanimously.

Laws and Rules Review Committee

Committee Chairman Toru Kawakami reported that Committee had met yesterday and had discussed the proposed policy statement relative to newspaper advertising.

After further discussion, G. A. "Red" Morris volunteered to draft sample ads for Commissioners' review and get comments on it before the next meeting.

Real Estate Recovery Fund

Gordon Paiea Chung-Hoon vs. Waianae Properties, Inc., et al (Civil No. 53284)

Executive Secretary reported that he has received an order from Real Estate Recovery Fund counsel Sidney Ayabe directing payment from the Real Estate Recovery Fund the sum of \$6,832.61 to Wilfred T. K. Au, and \$6,832.61 to Hung Lum Young and Florence A. Young. This default judgment is against Waianae Properties and Norman K. F. Mau.

Ralph Yagi moved and Tadayoshi Ishizu seconded to approve the payments. Motion carried unanimously.

Attorney General's Report

There was nothing to report at this time.

Business Out  
of Minutes:

Questionable Applications

Andrea Lorenz, Applicant for Salesman License

Andrea Lorenz was present for an informal conference to discuss her real estate salesman license.

After the question and answer period, Toru Kawakami moved for denial and seconded by Ralph Yagi. A vote was taken. Ayes: Toru Kawakami, Tadayoshi Ishizu, Ralph Yagi and John Urner. Nays: G. A. "Red" Morris and Ah Kau Young. Motion defeated.

On another motion, Ralph Yagi moved and Toru Kawakami seconded for denial, however, Commission will waive the educational requirement for only the April 1980 real estate salesman examination. Motion carried unanimously.

Willard B. Graham Applicant for Salesman License

At the last meeting, Commission deferred action on this matter pending submittal of further information regarding voluntary manslaughter.

Willard Graham responded giving detailed information on his conviction of manslaughter and submitted a letter of good character from Minnesota Department of Corrections.

After discussion, Ralph Yagi moved and Tadayoshi Ishizu seconded to approve Willard Graham's salesman license. Motion carried unanimously.

Bernice M. Pfeiffer, Applicant for Restoration of Broker License

Bernice Pfeiffer appeared with her attorney, David Namaka, for an informal conference to discuss the matter of her real estate broker license.

After the question and answer period, Ralph Yagi moved and G. A. "Red" Morris seconded to approve restoration of Bernice Pfeiffer's real estate broker license. Motion carried unanimously.

RE-79-40 Rosemary Dixon of Surfside Realty, Inc.

Executive Secretary reported that this old matter had been deferred inasmuch as the Commission wanted to wait and see what action the Maui County prosecutor would take on this zoning violation.

The supplementary report shows that Surfside Realty has relocated its place of business.

Ralph Yagi moved and Toru Kawakami seconded to dismiss complaint on the basis that Respondent has corrected the zoning violation. Motion carried unanimously.

RE-79-102 Ken Brooks

At the August meeting, Commission had deferred action to get feedback from the five or six apartment owners who were allegedly using the services of Ken Brooks. Subsequently Commission received several responses which revealed that Ken Brooks leased the apartments and sub-rented them.

After discussion, John Urner moved and Ralph Yagi seconded to dismiss complaint for insufficient evidence that Brooks is acting as an unlicensed rental agent. Investigation indicates that he is leasing or renting these units from the owners and turning it around and renting to others. Motion carried unanimously.

CON-78-15 Atkinson Ventures

This complaint has been recommended for dismissal; however the Attorney General's office wants to look at it as additional information was received from the Complainant.

Investigations:

RE-79-23 Sunshine Properties

Ralph Yagi moved and John Urner seconded to accept Complaint Review Committee's recommendations to dismiss complaint on the basis that there was insufficient evidence of any violation of the real estate license law or the Commission's rules and regulations. However, it is further recommended that a letter be forwarded to Eugene K. Despain recommending that in order to avoid future problems when purchasing property he should fully disclose to the seller and seller's agent that he is a licensed real estate broker and who his broker is. Motion carried unanimously.

RE-79-42 Kenny Young

Ralph Yagi moved and John Urner seconded to accept the recommendation of Complaint Review Committee to dismiss complaint on the basis that investigation indicates that Respondent had added the first special condition to the DROA with the knowledge of the Complainant, and further, that Respondent had not added the second special condition to the DROA.

Strong letters of warning be issued to Sandra Brown and Kenny Young for changing escrow agent without the buyer's approval since the contingency in the special condition regarding third party had not arisen, and for failing to advise buyers agent of the disapproval of the second escrow agent by the lender, and to Florence Collins for failure to bring the special condition on the counter-offer to the buyer's attention and get buyers written approval to the special condition. Recommend that all licensees be more careful and diligent in ascertaining all pertinent facts and in conveying such facts to their clients. Motion carried unanimously.

RE-79-86 Sam Daily Realty, Inc.

Ralph Yagi moved and Tadayoshi Ishizu seconded to proceed to a formal hearing on grounds that Daily had acted dishonestly in violation of Section 467-14(8), H.R.S., and Rule 1.3(a); and for failure to transmit complainants' offer to seller, in violation of Rule 1.3(j); and for failure to inform seller of the interest Daily had in Lilipuna Development Corp. which purchased the property, in violation of Rule 1.3(g). Motion carried unanimously.

RE-79-91 Neil A. Birnbaum

Following discussion, Ralph Yagi moved and Tadayoshi Ishizu seconded to accept the recommendation of Complaint Review Committee to dismiss complaint on basis that there appeared to be no violation of the real estate license law or Commission's rules and regulations. Motion carried unanimously.

RE-79-130 Betty Dunstan

Ralph Yagi moved and Tadayoshi Ishizu seconded to dismiss complaint on basis that there appeared to be no violation of the real estate license law or Commission's rules and regulations. Also that a letter be sent to Respondent recommending that as an added protection to client, all future transactions involving contingencies should be made a part of contract even if it appears that the contingency has been satisfied and there appears to be no need for such language in the contract. Motion carried unanimously.

RE-79-132 Gail Silva

Ralph Yagi moved and Tadayoshi Ishizu seconded to accept Complaint Review Committee's recommendation to dismiss complaint on grounds that investigation did not reflect that Respondent has acted dishonestly, unethically or had made misrepresentation.

A letter of warning be forwarded to Gail Silva and Principal Broker suggesting that they act more diligently in servicing their clients to avoid future problems, and broker should be cognizant of all facts concerning any and all transactions handled by the firm. Motion carried unanimously.

RE-79-148 Tom Schmidt

After a lengthy discussion, John Urner moved and G. A. "Red" Morris seconded to proceed to a formal hearing on this matter. Motion carried unanimously.

New Business:

LICENSING

Corporation

Anchor Bay Realty, Inc. - 505 Front St., #56,  
Laurance R. Mathews, pb Lahaina

B & B Properties, Ltd. - 976 Pacific Trade Ctr  
Brenda A. Bagano, pb Honolulu

Jim Cain, Inc.-Whalers Village c/o Whalers  
Realty, Kaanapali Beach, Lahaina  
James E. Cain, pb

Century 21 Ambassador Real Estate, Inc. - 1909  
Ala Wai, #805, Honolulu  
William R. Collamer, pb

Douglas Properties, Inc. - 976 Pacific Trade  
Douglas W. Hung, pb Ctr, Hon.

Alfie Fujitani, Inc. - 75-5663J Palani Rd, KK  
Elfriede R. Fujitani, pb

Frances T. Hong, Inc. - 100 Wells St., Wailuku  
Frances T. Hong, pb

Sho Horiuchi Realty, Inc. - 1706 Kalakaua Ave.  
Syo Horiuchi, pb Honolulu

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Kallenberger Properties, Ltd. - 841 Bishop St.  
Mark A. R. Kallenberger, pb #2000, Hon.

LPA, Ltd. - 345 Queen St., #600, Honolulu  
Louis P. Abram, pb

G. Lum Realty, Inc. - 126 Queen St., #226, Hon.  
Virginia K. Lum, pb

Neal Realty, Inc. - 153 Hamakua St., Kailua  
John W. Neal, pb

O'Nan Realty Investments, Inc. - 301 Ala Moana  
Jack G. O'Nan, pb Blvd., #12, Hon.

Pono Realty, Inc. - 771 Amana St., #301A, Hon.  
Grandison M. Perry, pb

Resort Centre, Inc. - 733 Bishop St., #2141,  
Calvin H. Cullen, pb

Esther Sanborn, Inc. - 46-005 Kawa St., Kaneohe  
Esther F. Sanborn, pb

Shalimar Corporation dba Shalimar Realty -  
2615 So. King St., Honolulu  
Clyde Barts, pb

Sunbird Hawaii, Inc. - 1314 So. King St.,  
Hugh W. Foster, pb #1664, Hon.

Tollefson Associates, Inc. - 320 Ward Ave.,  
Sondra H. Tollefson, pb #104, Hon.

Tropical Resort Mgmt, Inc. - 2131 Kalakaua Ave.  
Chester Lim, pb #211, Hon.

Urban Land Corporation - 1580 Makaloa St., #818  
Reynold I. K. Chang, pb Hon.

Winnie, Ltd. - 25 Kaneohe Bay Dr., Kailua  
Ralph E. Winnie, pb

Winniman International Real Estate, Inc. -  
161 Kalakaua St., #21, Hilo  
James Winniman, pb

Wolfer Partners, Inc. dba Risner & Associates -  
1311 Kapiolani Blvd. #603, Honolulu  
Christine E. Risner, pb

Mark Patrick Woods, Inc. - 841 Bishop St.,  
Mark P. Woods, pb #1925, Hon.

Ralph Yagi moved and John Urner seconded to approve the applications on the above-listed corporations. However, Anchor Bay Realty, Inc. and Urban Land Corp. are subject to submittal of document evidencing certificate of good standing from Business Registration Division. Motion carried unanimously.

Partnership

Kamuela Land Company - Corner of Kawaiahae & Poelo Rd., Bx 1686, Kamuela  
Sandra F. Ednie, pb

Tadayoshi Ishizu moved and Ralph Yagi seconded to approve the branch office application of Kamuela Land Company. Motion carried unanimously.

Branch Office

Charles Bohannon, Inc. - 1993 S. Kihei Rd.  
Donald E. Lowther, bic #292, Kihei

Capital Investment of Hawaii, Inc. - 1765 Ala Moana #101, Honolulu  
Stephanie J. Macdonald, bic

Hawaii Real Estate Exchange, Ltd. - 745 Fort St.,  
Patrick W. Murphy, bic #302, Hon.

Stapleton Associates, Ltd. - 945 Kamehameha Hwy, Pearl City  
Robert A. Haaversen, bic

Stark Realty, Ltd. - Kauai Surf Hotel, Kauai  
Elarka S. H. Yuen, bic

Ralph Yagi moved and Tadayoshi Ishizu seconded to approve the above-listed applications for branch offices subject to fulfillment of all requirements including zoning. Motion carried unanimously.

Tradename

Anuenue Realty - 2180 Main St., #620, Wailuku  
Selma Leppold, dba

Century 21 - Amaral Realty - 1136 Union Mall  
Bernard Amaral, dba #613, Honolulu

J. Scott Sanders - 130 Merchant St., #2020  
Joseph S. Sanders, dba Hon.

Seaside Properties - 900 Fort St. Mall, #1200  
Wilfred H. F. Lau, dba Hon.

Ralph Yagi moved and Tadayoshi Ishizu seconded to approve the above-listed tradenames subject to fulfillment of all requirements. Motion carried unanimously.

Corporation Name Change

Land Development Services Corp. dba Veltri & Co.  
(formerly Land Development Services, Corp. dba Commercial Locations)

Ralph Yagi moved and G. A. "Red" Morris seconded to authorize the Executive Secretary to approve or deny the above application based on whether Veltri has a broker or salesman license. Motion carried unanimously.

Top Dollar Realty, Inc. (formerly McKellar Realty, Inc.)

Mesa Hawaii Corporation (formerly Yael Mesa, Inc.)

Beppu Realty, Inc. (formerly Munoz-Beppu Realty, Inc.)

Ralph Yagi moved and Tadayoshi Ishizu seconded to approve the above-listed names for name change. Motion carried unanimously.

On another motion, G. A. "Red" Morris moved and Toru Kawakami seconded to request investigation be conducted on Winniman International Real Estate, Inc. and Top Dollar Realty, Inc. for engaging in advertising and holding themselves out as real estate broker/corporations prior to issuance of a corporate license by the Commission. John Urner abstained due to possible conflict of interest. Motion carried.

Restoration (past 2 years)

Mabel L. T. Chu-Tom

G. A. "Red" Morris moved and Ralph Yagi seconded to approve restoration of Mabel Chu-Tom's forfeited real estate salesman license. Motion carried unanimously.

Pearl P. Faufata

Ralph Yagi moved and G. A. "Red" Morris seconded to approve restoration of Pearl Faufata's forfeited real estate salesman license. Motion carried unanimously.

James S. Kraft

Ralph Yagi moved and John Urner seconded to approve restoration of James Kraft's forfeited real estate salesman license. Motion carried unanimously.

David A. Muramoto

Ralph Yagi moved and G. A. "Red" Morris seconded to approve restoration of David Muramoto's forfeited real estate salesman license. Motion carried unanimously.

Gerrit A. Pang

Ralph Yagi moved and G. A. "Red" Morris seconded to approve restoration of Gerrit Pang's forfeited real estate salesman license. Motion carried unanimously.

Application for License - past 1 year

Ellamae P. Kupau

Ellamae Kupau appeared for an informal conference with the Commission to discuss her application for real estate broker license. After the question and answer period, Ralph Yagi moved and Toru Kawakami seconded to approve the application of Ellamae Kupau. Motion carried unanimously.

Questionable Application

Gordon Haas

Executive Session: At 3:50 p.m., G. A. "Red" Morris moved and Ralph Yagi seconded to go into executive session in the interest to protect Gordon Haas' privacy. Motion carried unanimously.

Out of Executive Session: At 4:00 p.m., Ralph Yagi moved and G. A. "Red" Morris seconded to go out of executive session and back into regular meeting. Motion carried unanimously.

Ralph Yagi moved and Tadayoshi Ishizu seconded to approve Gordon Haas' application for broker license. Motion carried unanimously.

Miscellaneous:

Department's Fee Change Proposal

G. A. "Red" Morris rescinded his action of last month on this matter and moved to support department's fee change proposal which was seconded by Toru Kawakami and unanimously carried.

Postponement of November 17, 1979 Examination

Executive Secretary announced that examination sites for the December 8, 1979 has been completed and all those who are unable to sit for this exam will be given a chance to take it on January 12, 1980.

Request of Sacred Hearts Academy for Speakers

A request for speakers to familiarize the students with various career opportunities was received from Sacred Hearts Academy.

Following a brief discussion, Executive Secretary was directed to refer this inquiry to Hawaii Association of Realtors.

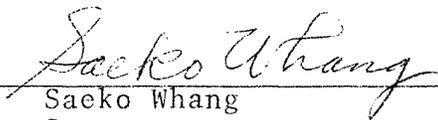
Date of Next Meeting:

Friday, December 21, 1979, at 9:00 a.m.  
Third Floor Conference Room

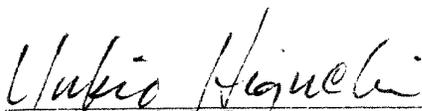
Adjournment:

There being no further business, the meeting was adjourned at 4:10 p.m.

Taken and recorded by:

  
Saeko Whang  
Secretary

Approved:

  
YUKIO HIGUCHI  
Executive Secretary