

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

MINUTES OF MEETING

Date: Friday, May 24, 1963

Place: Public Utilities Commission Hearing Room
313 South Beretania Street, Honolulu, Hawaii

Present: Dorothy S. Ahrens Jack K. Palk
William A. Beard Erling P. Wick
Yukio Kashiwa Robt E. Bekeart, Executive Secretary

By invitation - Mr. Mason Hironaka, 1st Vice President, HONOLULU BOARD OF REALTORS

Call to Order: The meeting was called to order by the Acting Chairman, Mr. Palk, at 9:00 a.m. with the notice that the normal business agenda of the Commission will be handled in the afternoon following the formal hearing.

Formal Hearing: In the matter of EDWARD H. PEINE, Complainant, vs. PATRICK M. MURPHY, Respondent, the Commission heard the opening remarks by the two attorneys.

See separate document - the transcript of the record of the proceedings.

The Commission declared a recess for lunch and reconvened at 1:30 p.m. The Acting Chairman directed the Executive Secretary to perform the services of recorder in the absence of Mr. Albert Grain, Official Court Reporter, who was detained at the Federal Courts. Counsel for the respondent and the representative of the Attorney General were in agreement that the Commission's administrative officer could record the proceedings.

"The Commission advised the counsels that a written memorandum from each of them on the question of jurisdiction need not be submitted as the members had decided that the Real Estate Commission has jurisdiction.

Mr. Palk established for the record that the Commission would reconvene at a later date for a hearing on the merits of the complaint (case).

The Commission considered possible dates at which the hearing could be continued and concluded that the dates of June 20 and June 21, 1963 should be set now. Further, if it was necessary, the hearing could go over to Saturday, June 22.

The Acting Chairman directed the administrative officer to give all witnesses notice that the original subpoenas are still in force and effect; that they be present Thursday morning, June 20, 1963 at 9:00 a.m. at this same location.

At 1:35 p.m. the Acting Chairman declared that this portion of the Commission's business would be continued to June 20, 1963."

(End of Hearing Proceedings)

Minutes: UPON MOTION, the members approved the minutes of April 26-27, 1963 meeting as distributed.

Motion passed unanimously.

Financial Report: The members reviewed the Financial Report for the REAL ESTATE COMMISSION ending April 30, 1963 and noted same as received.

Business LICENSING (Sections 170-1 thru 170-14)

Out of
Minutes: First Examination of 1963 - The Executive Secretary reported that the Commission's ruling of April 26, 1963 had been carried out with respect to Broker candidate I.D. No. 213.

UPON MOTION, the Commission ruled that Broker candidate I.D. No. 213 be found qualified in the written examination of March 12, 1963 and that a license be issued when all requirements have been met.

Motion passed unanimously.

The Executive Secretary reported that the Broker examination of March 12, 1963 had been administered to Mr. E. Butler Smith, Lahaina, Maui, and he was found to be qualified under the ground rules established at the April 26th meeting and the requirements of Section 170-7, Revised Laws of Hawaii, 1955, as amended.

UPON MOTION, the Commission ruled that Broker candidate I.D. No. 203 (Mr. E. Butler Smith) be found qualified in the written examination of March 12, 1963 and that a license be issued when all requirements have been met.

Motion passed unanimously.

New Corporations, Partnerships and DBA's - UPON MOTION, the Commission ruled that those licenses tentatively authorized by the Executive Secretary for

Donald C.G. Look, Principal Broker - Don Look Realty Co.,
Haruo Najita, Principal Broker - East-West Realty Co.,
John F. Child, Jr., Principal Broker - John Child & Co., Inc.,

Leonard K.H. Lau dba Pacific Realty
Joseph J.H. Yuen dba Joe Yuen

be issued.

Motion passed unanimously.

UPON MOTION, the Commission ruled that the Branch Office license for

Eugene F. Kennedy Real Estate, Inc.
66-226 Kam Highway, Haleiwa, Oahu

be issued.

Motion passed unanimously.

SUBDIVISIONS (Section 170-30 thru 170-38)

HAWAIIAN VILLAGE, JAPAN - Mr. Kashiwa reported on his conference with Mr. Peltier, of JAMES PELTIER, LTD., on the proposed on-site inspection of this out-of-state subdivision. He stressed the importance of gathering more information and determining how material assembled is to be evaluated. The Executive Secretary noted that there were certain items that NALCO associates would be interested in having Mr. Kashiwa check on when the inspection is made. These items of a technical nature would be put into form for inclusion in the field-kit being prepared for Mr. Kashiwa.

UPON MOTION, the Commission ruled that Mr. Kashiwa is to consider himself the representative of this regulatory body and approves his making the inspection of the property in question at the expense of the developer. Further, he has the Commission's authorization to continue his discussions with Mr. Peltier and other representatives of the subdivider.

Motion passed unanimously.

CROWN TERRACE -TRACT 1, UNIT 1 SUBDIVISION

The Executive Secretary reported on his inspection trip into the subdivision and introduced photographic exhibits showing the overhead power utility lines that the complainant alleges obstruct his view. The Commission instructed the administrative officer to continue the investigation and assemble additional information so the members can evaluate the true nature of the problem.

CONDOMINIUM (Section 170A-1 thru 170A-33)

REGISTRATION NO. 9 - THE KAUAIAN

The Executive Secretary reported that additional information and certain changes had been received from the Developer on this Garden Island project. A supplemental public report will be published shortly giving notice of changes in the original registration.

REGISTRATION NO. 14 - GREGG APARTMENTS

The Executive Secretary reported that this development qualifies for a final report but at this date no official document has been published. The developer has notice of the Commission's position and is satisfied that he can solicit purchasers.

NALLO OFFICERS, DIRECTORS AND EXECUTIVE COMMITTEE MEETING

The Executive Secretary, as a NALLO Director, reports that communications coming in from those attending the Spring Meeting in Wichita, Kansas, have noted this as being a very productive meeting in the areas of the Committee on Standards work and the 1963 Rackets Committee projects in out-of-state subdivision problems.

1963 NALLO WESTERN DISTRICT MEETING

UPON MOTION, the Commission ruled that Jack K. Palk and William A. Beard will represent Hawaii Real Estate Commission at the June 6-7, 1963 meeting in Boise, Idaho.

SECOND STATE LEGISLATURE - Mr. Palk reported on the passage of H.B. No. 183 which permits the Splitting of Fees with out-of-state brokers. This bill was signed into law as ACT 9 by Governor Burns on April 29, 1963.

S.B. No. 497, Horizontal Property Regimes, is presently on Governor Burns' desk awaiting his consideration. It is quite likely that he will sign this bill into law. H.B. No. 187 - S.B. No. 616, the PreLicensing Course proposal failed to be considered in either a House or Senate floor test.

RULES AND REGULATIONS - UPON MOTION, the Commission ruled that this project would be set down for Wednesday, July 17, 1963 at 7:30 p.m. at a location to be selected.

Motion passed unanimously.

New
Business:

SUBDIVISIONS (Section 170-1 thru 170-14)

HONOMALINO FARMS - Located in District of South Kona, Island and County of Hawaii, a development of 26,000 acres of farm lots by Honomalino Agricultural Co., Inc. The Executive Secretary reported that he had made a field inspection of this project on February 16, 1963. Real estate brokers selling or leasing lots or parcels in this subdivision were identified in the registration statement as Earl Thacker Co. and Blackshear & Cross.

UPON MOTION, the Commission ruled the acceptance of this registration.

Motion passed unanimously.

PONDEROSA NO. 5 SUBDIVISION

Project located at Incline Village, County of Washoe, Nevada; 93 lots; developer - Crystal Bay Development Co., P.O. Box 207, Incline Village, Nevada. The Developer's representative in this jurisdiction is Mr. John A. Eagle, who in addition to being identified as the franchised broker, also serves as a principal in this firm. The Executive Secretary reported that in conferences with Mr. Eagle,

mention was made that submitting the California Real Estate Commissioner's public report on this development would help the Commission.

UPON MOTION, the Commission ruled the acceptance of this registration.

Motion passed unanimously.

KAUMANA GARDENS SUBDIVISION - Located at Ponahawai-Punahoa, Hilo, Island and County of Hawaii; 102 lots; developer - American Factors, Ltd., 745 Fort Street, Honolulu, Hawaii. No brokers have been identified as selling agents of this development.

UPON MOTION, the Commission ruled the acceptance of this registration.

Motion passed unanimously.

ALAE POINT SUBDIVISION - Located at Alae Point, Hilo, Island and County of Hawaii, 36 lots; developer - American Factors, Ltd., 745 Fort Street, Honolulu, Hawaii. No brokers have been identified as selling agents of this development.

UPON MOTION, the Commission ruled the acceptance of this registration.

Motion passed unanimously.

KAHALUU ESTATES SUBDIVISION - Located at Kahaluu, City and County of Honolulu; 23 lots; developer - Alii Land, Inc., 69 North King Street, Honolulu, Hawaii. Selling agents were identified in the registration as Honolulu Trust Co., Ltd., 31 North King Street, Honolulu, Hawaii.

MEIJI REAL ESTATE CO., LTD. - The Executive Secretary reported on exploratory conferences with representatives of this out-of-state (Japan) developer.

KARUIZAWA SUBDIVISION, JAPAN - For information, the Executive Secretary reported on the initial discussions held with the principal officers of this firm in the Commission headquarters on Wednesday, May 1, 1963. He noted that it was quite likely this development would register through the local attorney firm of Fong, Miho, Choy and Robinson.

LAKEVIEW SUBDIVISION - Project located at Incline Village, County of Washoe, Nevada; 294 lots; developer - Crystal Bay Development Company, P.O. Box 207, Incline Village, Nevada. Developer's representative in this jurisdiction is Mr. John A. Eagle, who in addition to being identified as the franchised broker, is also a principal in this firm.

UPON MOTION, the Commission ruled the acceptance of this registration

Motion passed unanimously.

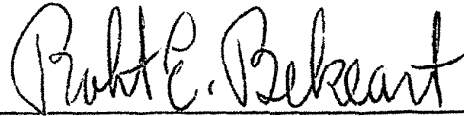
LAKESHORE SUBDIVISION - Project located at Incline Village, County of Washoe, Nevada; 60 lots; developer - Crystal Bay Development Company, P.O. Box 207, Incline Village, Nevada. Developer's representative in this jurisdiction is Mr. John A. Eagle, who in addition to being identified as the franchised broker, is also a principal in this firm.

Date of Next Meeting:

UPON MOTION, the Commission ruled that the next meeting will be held at 7:30 p.m., Wednesday, June 19, 1963 at a location to be selected. Further, the formal hearing in the matter of PEINE vs. MURPHY will be continued at 9:00 a.m., Thursday, June 20, 1963 in the Public Utilities Commission Hearing Room.

Adjournment:

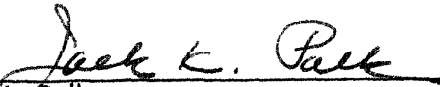
There being no further business to discuss, the Acting Chairman declared the meeting adjourned at 3:15 p.m.



Robt E. Bekeart, Executive Secretary

APPROVED BY THE BOARD:

Date June 20, 1963



Jack K. Palk
Acting Chairman

REB/bc
5/19/63