

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

MINUTES OF MEETING

Date: Thursday, May 13, 1965

Place: Public Utilities Commission Hearings Room
1225 Miller Street, Honolulu, Hawaii

Present: Jack K. Palk, Chairman (Oahu) Harold J. Silva (Oahu)
Yukio Kashiwa, Vice Chairman (Oahu) Douglas R. Sodetani (Maui)
Dorothy S. Ahrens (Kauai) William H. C. Young (Oahu)
William A. Beard (Hawaii)
Robt E. Bekeart, Executive Secretary

By Invitation

Wesley F. Charlton, representing Hawaii Real Estate Association
Shirley B. Olds, representing Honolulu Board of Realtors

Absent: George P. Siu, Deputy Attorney General

Call to Order: There being a quorum the Chairman, Mr. Palk, called the meeting to order at 1:40 p.m.

Minutes: The minutes of the previous meeting were corrected as follows:
by adding on Page 9

37th ANNUAL NALLO CONFERENCE - The Commission nominated William H. C. Young to be its representative at the November 7-11, 1965 Annual NALLO Conference in Williamsburg, Va.

UPON MOTION the Commission approved the minutes of April 20, 1965 with the above correction.

Motion passed unanimously.

Financial Report: The report for the month of April, 1965 was noted as received.

Business Out of Minutes: LICENSING (Sections 170-1 through 170-14)

MARCH 23, 1965 EXAMINATION - The Executive Secretary reported that four (4) letters of appeal against the scoring in the examination had been received from:

Daniel K. Kanahale, Broker Douglas M. Carty, Salesman
Lino R. Cabico, Salesman Mieko Fujii, Salesman

The Examination Branch reported that the scores had been reviewed and no discrepancies were found that would be cause for the Commission to reverse its April 23, 1965 ruling. The Commission instructed the Executive Secretary to process these letters of appeal within the framework of established policy.

SUBDIVISIONS (Sections 170-30 through 170-38)

TRACT NO. 27608 SUBDIVISION - Mr. Young reported on his examination of the registration. Having found the material in compliance with the requirements he recommended approval.

UPON MOTION the Commission accepts as completed the Registration Statement on TRACT NO. 27608 SUBDIVISION.

Motion passed unanimously.

CONDOMINIUMS (Sections 170A-1 through 170A-48)

REGISTRATION NO. 70 - KUHIO PLAZA - Final Public Report issued April 28, 1965.

REGISTRATION NO. 71 - NA PILI GARDENS - Final Public Report issued April 30, 1965.

REGISTRATION NO. 72 - MANOALANI - Final Public Report issued April 30, 1965.

The above Horizontal Property Act information on projects carried over from previous meeting was accepted by the Commission.

New Business:

LICENSING

CORPORATION

Connie Showkeir, Inc. Connie Showkeir, RPB

PARTNERSHIP

Francis Nagatori Realty Francis Nagatori, RPB

DBAs

International Industries, Inc. dba Reliance Realty
Harold Kobayshi, RPB

David H. Yee dba Holiday Realty

ILCOL, INC. dba Inter-Island Real Estate Co.
James W. Peltier, RPB

BRANCH OFFICE

Clark Realty, Inc. Branch Office, 322 Kuulei Rd.
Kailua, Oahu, Hawaii
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Informally discussing the number of times during the past twelve (12) months that ILCOL, INC. (ISLAND LUMBER CO., LTD.) has made application for a change in the name of the license granted them, the commissioners concluded that some policy requirement should be considered that would strengthen the control over firms, companies or individuals who establish a business under one name only to close it down and later open under another symbol. The members believed some determination should be made as to the cause for such a pattern of operations.

DAVID ROBERT FORD - The subject applicant, having complied with the Executive Secretary's instruction has caused a confidential character Credit Loan Report to be filed with the Commission. All requirements have been met and the salesman license will issue upon notification to the staff as to the name of the Principal Broker.

LICENSING OF INVESTIGATORS AS REAL ESTATE SALESMEN - The Commission noted that the issuance of salesman licenses to Yukio Higuchi, Tsunekazu Nakano and Tamotsu Tomihara could not be affected until the Licensing Administrator, Mr. Okaji, received a written advisement from the Attorney General as to whether salesman licenses could be issued to the three Investigators without the filing of an application and the payment of required fees. The understanding being that the certificates would remain in the custody of the Commission.

The Chairman noted that an opinion from the Attorney General should also embrace the status of Mr. Bekeart and Mr. Okaji, who had successfully written the real estate license examination in the past.

REQUEST FOR RESTORATION OF LICENSE - CLARENCE J. HAMAISHI - RB NO. 2576 - The Commission discussed the background of the inactive licensee, particularly with investigative matters recently before the members. The Executive Secretary was directed to have the Investigation Branch conduct a current study of the file on Mr. Hamaishi and report the findings to the next agenda.

REQUEST FOR WAIVER OF APPRENTICESHIP - The Commission heard the report of the Chairman's and Vice Chairman's review of the two requests for waiver submitted by James BRITTAIN and Lowell D. FUNK. It was agreed that Mr. Brittain had accumulated additional experience as an actively engaged salesman since the Commission rejected his application for the October 20, 1964 test. Mr. Funk's affidavit adequately illustrated his long and professionally oriented experience in appraisal, title plant work, financing and real estate office and tract development administration.

UPON MOTION the Commission approved the request of James H. BRITTAIN and Lowell D. FUNK that they be permitted to sit for the June 22, 1965 broker examination.

Motion passed unanimously.

Minutes of Meeting of May 13, 1965

HONOLULU BOARD OF REALTORS PROPOSAL - The Commission deferred to the next meeting any discussion on the Board's suggestion on deleting the Statement of Prospective Broker-Employer from the application for a real estate salesman license.

The Executive Secretary will advise the Board of today's action.

COLLEGE OF COMMERCE PROPOSAL - The May 10, 1965 letter of Mitsuru Omori, President, College of Commerce was reviewed. The Executive Secretary was instructed to thank them for their interest and to advise them that the Commission has had the matter of improvement in professional standards under consideration. The interest of the educators in this problem was appreciated.

CONDOMINIUMS

The Executive Secretary reported that Notices of Intention on behalf of the following Horizontal Property Regimes had been filed:

(UNASSIGNED) CASTLE SURF APARTMENTS

(UNASSIGNED) VILLA MARINA

(UNASSIGNED) CORAL SANDS OF WAIALUA

(UNASSIGNED) COUNTRY CLUB HILL

(UNASSIGNED) KONA MAGIC SANDS

(UNASSIGNED) TERRACE APARTMENTS

(UNASSIGNED) MAKAHA SHORES

(UNASSIGNED) TERRACE TOWERS

SUBDIVISIONS

UPON MOTION the Commission accepts as completed the Subdivision Registration Statements on the following:

FOSTER VILLAGE UNIT 11 SUBDIVISION - Halawa, Ewa, Oahu, Honolulu, Hawaii; 58 residential lots; developer - Town Investment, Ltd., (Philip Ing, 200 James Campbell Bldg., Honolulu); selling agent - Bishop Realty, Inc.

MARINA PARK SUBDIVISION - Waianae, Oahu, Honolulu, Hawaii; 120 residential lots; developer - Amos A. Nakamura & Francis Y. Wong (1018 Alapai St., Honolulu); selling agent - Francis Wong and Manoa Realty.

Motion passed unanimously.

The Commission took under advisement Subdivision Registration Statements submitted on behalf of the following:

LAKE HAVASU CITY TRACT NO. 118

Needles area, Mohave County, Arizona; 209 residential lots; developer - McCulloch's Properties, Inc. (Lorne B. Pratt, Authorized Agent, McCulloch Properties, Inc., Holly Development Co., 5965 W. 98th Street, Los Angeles, California); selling agent - none identified, intends to furnish names of Real Estate Brokers later.

Note: Assigned to Mr. Sodetani for examination.

LAKE HAVASU CITY TRACT NO. 119-B

Particulars are same as TRACT NO. 118 - 188 residential lots

Note: Assigned to Mr. Young for examination.

LAKE HAVASU CITY TRACT NO. 126

Particulars are same as TRACT NO. 118 - 101 residential lots.

Note: Assigned to Mr. Young for examination.

LAKE HAVASU CITY TRACT NO. 127-A

Particulars are same as TRACT NO. 118 - 220 residential lots.

Note: Assigned to Mr. Silva for examination.

LAKE HAVASU CITY TRACT NO. 161

Particulars are same as TRACT NO. 118 - 114 residential lots.

Note: Assigned to Mr. Silva for examination.

Investigations:

RE-162 LUCILLE BUNN - The Commission directed the Executive Secretary to forward the respondent a letter of censure advising the licensee that after carefully weighing the facts presented in the investigation report the members conclude that she handled the execution of the contract, considering that the parties to the transaction were out of the state, in less than a professional manner. The commissioners disapprove of such conduct which results in the problem being solved only through time consuming and costly litigation.

RE-176 CAY SINGLETON MASON - The question of the licensee's spouse having a check returned for insufficient funds did not count as sufficient grounds for the Commission to probe this further.

RE-170 DAVID BASQUE - UPON MOTION the Commission ruled that the Principal Broker is to be advised of policy requirements of the supervision and control that must be exercised. The employing broker and the salesman are to be given notice that it is not the Commission's intention that such a matter of conduct should be cause for additional regulations. It is the understanding of the

commissioners that they have a right to expect their registrants to comply with reasonable requirements and particularly so when a breach falls within the framework of Commission policy. The members considered that if the Commission cannot get the cooperation of neighboring island brokers and salesmen the regulating body will be forced to bring conduct such as this within the legal rules and regulations.

Motion passed unanimously.

RE-174 FRED BLANCO - It was the conclusion of the members that if the respondent broker failed, it was in the area of communications in that he did not keep all parties to the transaction apprised of any and all developments.

PETER SHAYNE - The Executive Secretary briefed the members on the reported unlicensed activity of Mr. Shayne in the County of Hawaii. It was considered an appropriate matter to refer to the Investigation Branch for a report.

CARL EMBRY - The conduct of this supposed employee of an out-of-state land operator will be investigated by the East Hawaii Investigator.

SIGMA CO. OF HAWAII - KE AEKAI - The Executive Secretary's follow through on the Commission's decision of April 20, 1965 was discussed. The subsequent Order to Cease and Desist brought the developer to contact the Commission and give assurance that all laws and rules and regulations would be complied with.

UPON MOTION the Commission ruled that their explanation for their noncompliance with condominium filing requirements had been studied. It was agreed that as a proper registration has been made the Order to Cease and Desist has been suspended pending examination of the documents submitted. Further, the Commission's intention to enjoin the Developer from continuing the offering for sale or the taking of reservations for apartments is hereby set aside.

A commendatory tone in the notice to the Developer should underscore the Commission's appreciation of the willingness to cooperate.

Motion passed unanimously.

NALLO
Western
District
Conference:

The Chairman noted that under an earlier date he had communicated to the Governor the Commission's position on the importance of having Hawaii represented at the Western District Conference of the National Association of License Law Officials (NALLO). As at this date there has been no report on the suggested proposal.

Date of
Next
Meeting:

Friday, June 25, 1965 at 1:30 p.m.
City and County of Honolulu, Hawaii

Page 7 Minutes of Meeting of May 13, 1965

Adjournment: There being no further business to transact, the Chairman declared
the meeting adjourned at 4:55 p.m.



ROBT E. BEKEART
Executive Secretary

APPROVED BY THE COMMISSION

JACK K. PALK, Chairman

sw 6/25/65