

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

MINUTES OF MEETING

Date: Tuesday, October 19, 1965

Place: Conference Room, 424 South Beretania Street, Honolulu, Hawaii

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

Tom L. Peterson, Deputy Attorney General  
Robt E. Bekeart, Executive Secretary

By Invitation

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

Call to Order: There being a quorum, Mr. Palk, presiding as Chairman, called the meeting to order at 1:00 p.m.

Financial Report: Financial Report for the 1966 Fiscal Year, First Quarter ending September 30, 1965, received as noted and filed.

Minutes: The minutes of the Tuesday, September 21, 1965 meeting with modifications under Executive Secretary's memorandum of October 6, 1965, were approved as presented to the agenda.

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

There was no licensing matter carried over from the previous meeting.

SUBDIVISIONS ( Sec. 170-30. through 170-38.)

MARCO BEACH UNIT 1 through UNIT 21 - The Developer has advised the Commission that the selling agent in this state is Robert S. Ishikawa, Broker.

UPON MOTION, and on Mr. Beard's earlier recommendation, the Commission accepts as completed the Subdivision Registration Statement on the subject offering.

Motion carried unanimously.

DELTONA LAKES (Thirteen various units) - The Developer has advised the Commission that the selling agent in this state is Robert S. Ishikawa, Broker.

UPON MOTION, and on Mr. Young's earlier recommendation, the Commission accepts as completed the Subdivision Registration Statement on the subject offering.

Motion carried unanimously.

MOUNT SHASTA VISTA SUBDIVISION - Assigned to Mr. Silva for examination at the previous meeting.

Particulars: Project is located at Grenada Cut-Off, Road A-12 near the town Weed, Siskiyou County, California; 4,090 acres subdivided into 1,636 lots; developer - PACIFIC SHORES REALTY (George K. Collins, President, 2682 E. Garrey Blvd., West Covina, California); selling agent - ROLAND REALTY (Cloutier A. "Chubby" Roland).

UPON MOTION, and on Mr. Silva's recommendation, the Commission accepts as completed the Subdivision Registration Statement on the subject offering.

Motion carried unanimously.

PLEASANT VALLEY HIGHLANDS UNIT II - In response to the Commission's inquiry, Charles L. McLaughlin, Developer, states that the offering will be made through the mail and that for the present no Hawaii broker has been identified as the selling agent. The registration was accepted at the September 21, 1965 meeting. The Executive Secretary is to inform the Developer that the Commission anticipates his advisement when a Hawaii broker has been selected.

CONDOMINIUMS (Sec. 170A-1. through 170A-48.)

REGISTRATION NO. 97 - THE WAIKIKI SKYLINER  
Preliminary Public Report issued September 24, 1965

REGISTRATION NO. 98 - BLUEWATER LODGE  
Preliminary Public Report issued October 1, 1965

New  
Business:

LICENSING

NEW CORPORATIONS, PARTNERSHIPS and DBAs

UPON MOTION, the Commission ruled that the licenses tentatively authorized for the following be approved, ratifying the action of the Executive Secretary:

Corporation  
DON MIGUEL REALTY, INC.

Don Miguel, RPB

Partnerships  
(None)

DBA

Charles E. K. Robinson	dba ROBINSON REAL ESTATE
Nelson Hee Ching (changing to)	dba INSTANT REALTY SERVICE
Emilio S. Alcon	dba DIVERSIFIED REALTY CO.

Branch Office

(None)

Motion carried unanimously.

SUBDIVISIONS

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

KAILUA LAKEVIEW UNIT III SUBDIVISION - Extension of Akamai Street, Keolu, Kailua, Oahu, Hawaii, approximately 27 residential lots; developer - Mack Y. Kamikawa (745 Keeaumoku St., Honolulu, Hawaii); selling agents - Mack Y. Kamikawa, Edward Yamaguchi.

PACIFIC PALISADES UNIT IV SUBDIVISION - Manana, Ewa, Honolulu, Oahu, Hawaii; 140 residential lots; developer - MOMILANI LAND COMPANY (R. G. Rietow, Authorized Officer or Agent), P. O. Box 2930, Honolulu, Hawaii; selling agent - PALISADES REALTY, (Harold K. Kometani) 1149 Bethel Street, Honolulu, Hawaii.

Motion carried unanimously.

CONDOMINIUMS

The Executive Secretary reported that Notices of Intention had been received on the following:

(UNASSIGNED) - HARBOR VIEW PLAZA

(UNASSIGNED) - THE SCANDIA

(UNASSIGNED) - 1651 FROG LANE

(UNASSIGNED) - PACIFIC GARDENS I

(UNASSIGNED) - PACIFIC GARDENS II

(UNASSIGNED) - HALE KILOHANA

The above information on Horizontal Property Regimes projects was accepted by the Commission.

Investigations:

RE-190 JACK K. MATSUZAKI - The members discussed the information presented in the investigation report. It was agreed that Mr. Matsuzaki should be invited to appear before the Commission at its next meeting to discuss the employment arrangement he is

working under as a licensed salesman for KOOLAU REALTY. The commissioners are particularly interested in hearing a statement on his buying lands in his own name with the intention of offering them for sale as a principal thereby setting up a circumvention of the real estate licensing statute.

RE-190 HANSEL CHANG - Having studied the investigation report, the Commission ruled that the Complainant is to be advised that on the basis of the fact and information assembled there did not appear to be a charge for misrepresentation. As an aside, the members believed that a check should be made with the Planning Department, City and County of Honolulu, to determine if a performance bond had been posted for the subdivider to be responsible for completing the network of roads. The Complainant should explore this matter with the municipal authorities in order to get satisfaction on the problem of completion of roads.

The Executive Secretary noted that a staff-initiated investigation was being conducted into the operations of ISLAND LUMBER COMPANY in offering house and lots packages for sale when the ownership of the land on which the improvement is to be placed is not vested in this materials and supply firm. Further, the company, having no Principal Broker registered with the Commission, may have unsupervised real estate salesman operating in violation of existing law and regulation.

Miscellaneous: POWER OF ATTORNEY - The Commission noted the distribution and receipt of the Department of the Attorney General Opinion (OP.65-24) dated October 8, 1965 as prepared by Deputy Attorney General Peterson.

HORIZONTAL PROPERTY ACT - The Chairman introduced the subject by reviewing the background of the Commission's position on the issuance of the Preliminary Public Report, Final Public Report, and Supplementary Public Report. Recognition was given to the condition that before the Final Public Report issues the "basic documents" should be recorded with the Bureau of Conveyances--said documents were identified as the Declaration (with its attendant Master Deed or Master Lease), the By-Laws of the Association of Apartment Owners, and the Floor Plans.

The Executive Secretary was instructed to call the Bureau of Conveyances by telephone and ask if the recording office would accept for recordation the Declaration (with Master Lease or Master Deed) and By-Laws with the Floor Plans to be presented to the Registrar at a later date for recordation. The Deputy Registrar of Conveyances, Mr. Charles F Neumann, reported to the Executive Secretary that they could accept the Declaration (Master Lease or Master Deed) and By-Laws for recordation by treating them as "documents." It was unclear to the Executive Secretary from the telephone conversation, as to whether the Registrar required that all three elements must be presented for recordation at the same time.

Mr. Neumann did report that the Bureau has generally received the three elements together in a simultaneous filing. In an effort to ease the problem the Developer faces in assembling and recording floor plans and/or final working drawings for a condominium project, the Commission agreed that no Final Public Report will issue until the basic documents, including the floor plans, are recorded, but that the Commission would accept all of the basic documents without the floor plans which could not be recorded because of lack of building permit approval, and that a solution would be sought to the problem or a clarification solicited from the Registrar of Conveyances on the question of recording floor plans without the approval of a municipal or county officer charged with issuing building permits.

It was agreed that a meeting should be held at the earliest opportunity with representatives of all agencies who are involved in this problem.

The Commission's position on this matter, having been thoroughly discussed by all present--with the Deputy Attorney General participating--was accepted unanimously by the members.

The Chairman will look to the calling of a conference with interested persons and it is expected that an early broadcast can be made to all concerned of the Commission's position.

PUBLICATION AND DISTRIBUTION, DIRECTORY OF REAL ESTATE BROKERS AND SALESMEN - The Executive Secretary reported that Mr. Okaji wanted an exploratory expression from each Board or Commission the Division administers to on the question of the value of printing and distributing the roster of licensees. The Commission unequivocally stated that it believed the directory of licensed brokers and salesmen to be an important and necessary tool for all in the organized real estate industry. The commissioners separately recorded their opinion on the value of the booklet to them in their day-to-day role as regulators. Although the Licensing Branch may be called on for some licensing information, it would appear that the staff could not replace the roster as part of every broker or salesman work-kit. Neighboring island licensees, not being able to phone the Commission's licensing personnel, would be unfairly discriminated against according to Mr. Beard. The distribution of the publication to NALLO jurisdictions gives continuity to the national scope of effective real estate license law administration. The Executive Secretary was instructed to advise the Administration of the Commission's strong belief that a continuation of publishing the annual roster is a necessity for proper administration and enforcement of the law, as well as being a help to the licensees in their realty affairs and negotiations.

QUORUM FOR MEETING - The Executive Secretary reported that Mr. Okaji has advised him that the 1963 Supplement, Revised Laws of Hawaii 1955, carries a substitution of "four," in place of three, for members present constituting a quorum.

APPLICATION FOR BROKER PROCEDURE - Mr. Okaji has asked that the Commission rule on: Must an applicant for a broker license whose license is either inactive or forfeited have his salesman license reactivated or reinstated first before his application can be accepted.

The Commission reaffirmed an earlier administrative requirement that a person must have an active license, must be engaged in a salesman-broker relationship, at the time that an application is filed to take a real estate broker license examination.

37TH ANNUAL NALLO CONFERENCE - It was agreed that before the Commission's representative, Mr. Young, departs for the Williamsburg meeting the Oahu members will convene on matters of instructions and interest pertaining to the annual conference.

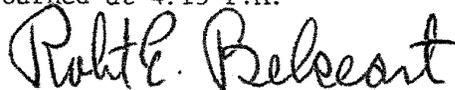
EDUCATION TASK FORCE - Mr. Sodevani reported that he had nothing to report.

DAVID CHUNG WO AU - The Commission ruled that Mr. Au be given consideration similar to that generated in the cases of Violet C. King and Clarence J. Hamaishi. The applicant is to present for the Commission's acceptance, a resume of his operations as a real estate developer and investor; and he shall put into the record letters from three (3) persons attesting to his having lived an upright and moral life for the previous five years. The Commission is amenable to waiving the requirement of examination in this request for restoration of a salesman license and condition its action on Mr. Au's employing broker will be responsible for the applicant's conduct.

Date of Tuesday, November 23, 1965

Next Meeting:

Adjournment: There being no further business to transact, the Commission declared the meeting adjourned at 4:15 P.M.



ROBT E. BEKEART, Executive Secretary

REB:va  
11/19/65

APPROVED BY THE COMMISSION:

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JACK K. PALK, Chairman