

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

MINUTES OF MEETING

Date: Friday, August 26, 1966

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

Present: Jack K. Palk, (Oahu) Chairman Hiromu Yamanaka (Hawaii)
 Yukio Kashiwa (Oahu) Vice Chairman Takeo Yoneji (Kauai)
 Harold Silva (Oahu)
 Tom L. Peterson, Deputy Attorney General
 Joseph M. Gedan, Deputy Attorney General
 Robt E. Bekeart, Executive Secretary

By Invitation:

Phil K. Thomas, representing Honolulu Board of Realtors, present during afternoon session only.

Absent: William H. C. Young (Oahu) - excused

There being no appointed representative for the County of Maui present, the Chairman directed that this be noted in the proceedings.

Call to Order: There being a quorum, the Chairman, Mr. Palk, called the meeting to order at 10:05 a.m.

The Chairman recognized the presence of two newly appointed members to the Commission, representing the Counties of Hawaii and Kauai.

Hiromu Yamanaka, Hilo, Hawaii, replacing William A. Beard, from County of Hawaii. Term expires December 31, 1969.

Takeo Yoneji, Lihue, Kauai, replacing Mrs. Dorothy S. Ahrens, from County of Kauai. Term expires December 31, 1969.

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

Formal Hearing

Investigation RE-134, LIN SAN LAI

The Chairman convened the hearing in the matter of Lin San Lai, Real Estate Broker License No. RB-2366 at 10:10 a.m.

Mr. Lai, the respondent, was present. He was not represented by counsel.

Present for the State and representing the Real Estate Commission as its counsel, was the Deputy Attorney General, Mr. Gedan.

Note: ECKOTAPE recordings, supported by a stenographic transcription of the proceedings taken by (Mrs.) Saeko Whang, Stenographer, comprise the record.

The hearing having been concluded, the respondent, Mr. Lai, withdrew to await the Commission taking the matter under study and announcing its decision.

In considering the matter, the Commission elected to discuss the case at once while the respondent's presentation and all the facts were fresh in everyone's mind.

The Commission's decision was entered as a sixty (60) day suspension of Real Estate Broker License No. RB-2366. Such a suspension is to become effective the day the Commission publishes its decision.

The commissioners were in full agreement that the proceedings should show that leniency was demonstrated against the respondent because the Circuit Court of the First Circuit, State of Hawaii, in its Judgment noted that he had been convicted and is guilty of crimes of embezzlement, however, the Court appeared satisfied that the ends of justice and the best interests of the public as well as the Defendant can be served by placing the respondent on probation for a period of two years as to each of the three counts the licensee was found guilty of by a Jury.

ANTONE CABOLAC CACATIAN - The commissioners considered Mr. Cacatian's request that the Real Estate Salesman License No. 1563 be restored to the active list by the Commission lifting its revocation.

The members instructed the Executive Secretary to advise Mr. Cacatian that this Commission is bound by the earlier decision in which his license was revoked, for cause, on December 7, 1954. Further, it was noted by the commissioners that there is no provision in the law which gives the Commission the authority to restore or reactivate a license that has been revoked. However, Mr. Cacatian is to be given notice that the opportunity is open to him to submit an application for a salesman license pursuant to Sec. 170-7., R.L.H. 1955. The decision is also founded on the position that since he has been out of the field of real estate since 1954 the law, regulations and practices have undergone great change and the regulatory body would be remiss if they put him back into active participation without first determining that he has reasonable knowledge of the subjects on which applicants are examined.

Recess:

At 11:50 a.m., the Chairman declared a recess for the noon meal.

Reconvene: The Chairman reconvened the meeting at 1:25 p.m. with attention given to routine agenda items.

Minutes: UPON MOTION, the Commission approved the minutes of July 19, 1966 as presented to the agenda.

Motion carried unanimously.

Financial Report: The report for the month of July 1966 was received and filed.

Investigations: RE-198, VIOLET C. KING
Appearance - Mr. Diosdado Piligrino, complainant.

The Commission, in its earlier discussion of the treatment Mr. Piligrino had experienced in his dealing with Mrs. Violet King, suggested that he come before the members and present his side of the case. Having heard the complainant's recitation and received his responses to question, the Commission noted that no action is to be taken. The file is to be kept active pending the outcome of procedural steps his attorney, Mr. James Wakatsuki, intends to take on behalf of Mr. Piligrino.

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

JUNE 28, 1966 EXAMINATION - Executive Secretary suggested that the Commission ratify, for these minutes, its action of August 15, 1966, approving applicants found qualified in the broker examination.

The Executive Secretary presented EXHIBIT "B" showing the ranking of sixty-two (62) candidates for a real estate broker license.

UPON MOTION, the Commission ruled that the following applicants for real estate broker license were found qualified in the June 28, 1966 written examination:

<u>I.D. No.</u>	<u>Name</u>	<u>I.D. No.</u>	<u>Name</u>
658	CHUN, David S.	629	PLIMIER, David T.
637	CONCHING, Harry	606	SAITO, Masae T.
626	DAMRON, Gloria	625	SHELTON, William T.
633	DILLENBECK, Leonard	659	SOONG, Theodore
616	ENDO, Frances M.	645	WAGNER, Benjamin C.
663	FUJII, Kenneth	636	WIEDEMAN, Alfred B.
628	GOO, Tin Chong	604	YAMANAKA, Masashi
635	PALMER, Mildred C.	657	YAMASAKI, Kimiko

Motion carried unanimously.

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

YUCCA VALLEY RANCHOS TRACT 7306 - Mr. Silva reported his examination of the registration and recommended acceptance.

UPON MOTION, the Commission accepts as completed the filing in the above matter.

Motion carried unanimously.

CONDOMINIUMS (Sec. 170A-1. through 170A-44.)

REG. NO. 144 2033 NUUANU
Preliminary Report July 28, 1966

REG. NO. 145 FAIRWAY MANOR
Preliminary Report July 29, 1966

REG. NO. 146 HAUULA ESTATE CONDOMINIUM
Preliminary Report July 29, 1966

REG. NO. 147 KAPAHULU HALE
Final Report August 11, 1966

REG. NO. 148 KAPIOLANI PLAZA
Preliminary Report August 24, 1966

The above information on registrations carried over from previous meetings was accepted by the Commission.

Investigations:

RE-219, C.S. CHUN & COMPANY - The Commission directed the Executive Secretary to forward the notice to the respondent announcing that a hearing in this matter will be held at 10:00 a.m., Thursday, September 29, 1966 at the Commission's office in Honolulu, Hawaii.

New Business:

LICENSING

NEW CORPORATIONS, PARTNERSHIPS, DBAs and BRANCH OFFICES

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

Corporation

JONATHAN MANOR, INC.	Raymond Ponzo, RPB
STATEWIDE DEVELOPERS, INC.	Harold Kawasaki, RPB
ROBINSON & LOWE REALTY, INC.	Charles E. K. Robinson, RPB
SOUTH SEAS REALTY, LTD.	Barbara Burbank, RPB

Partnership

(None)

DBA

David M. Tara	dba	TARA REALTY COMPANY
Harry I. Choy	dba	KAMAAINA REALTY
Seisuke Niino	dba	SECURITY PROPERTY SALES

Branch Office

Brilhante & McCormack	Wade H. Manry, BIC
50 Kaahumanu Avenue, Kahului, Maui	

Motion carried unanimously.

SUBDIVISIONS

UPON MOTION, the Commission accepts as completed the Subdivision Registration Statement on the following Hawaii subdivisions:

WAIAKEA HOMESITES SUBDIVISION, Hilo, County of Hawaii - 93 lots.

WAIALUA TOWN TRACT 2, UNIT 1-B, Waialua, City and County of Honolulu - 47 lots.

KALOKO MAUKA SUBDIVISION, District of North Kona, County of Hawaii - 30 lots.

NANAKAI SUBDIVISION, County of Kauai - 23 lots.

KAMUELA SUBDIVISION, Kamuela, County of Hawaii - 39 lots.

Motion carried unanimously.

The registration on PACIFIC PALISADES, UNIT IX SUBDIVISION, of 148 lots, is set aside pending conclusion of further negotiations between Planning Department, City and County of Honolulu and the Developers on matters pertaining to items or features to be recorded with the final map.

CONDOMINIUMS - Notices of Intention have been received on:

UNASSIGNED	CARLETTE SURF (Maui)
"	ACADEMY TOWER
"	KAHALA TOWER
"	3056 KALAKAUA
"	SCANDIA TOWER
"	WEST WIND
"	KONA WHITE SANDS (Hawaii)

Investiga-
tions:

RE-218, I. WALTER FURUYA - The commissioners having discussed this case, making reference to a similar pattern of activity in which the respondent appeared before the Commission, agreed that preparations should be made to set this down for a hearing. The notice to the respondent shall embrace the following: Sec. 170-12., (b); (c); (d); (h); (o); and (m).

RE-222, STATEWIDE DEVELOPMENT, INC. - Commissioners considered the investigative report and ruled that no action would be initiated against the respondents as the firm has since complied with the requirements for licensing. This breach of statute and rule is to be made a part of the STATEWIDE DEVELOPMENT, INC. record with the Commission.

RE-224, VEAVA OWEN and HAWAIIAN PROPERTIES - The Commission will advise Mrs. Owen in writing that an investigation has been concluded and the determination made that she has conducted operations which require her to be licensed as a real estate practitioner. It is recognized that she is no longer carrying on as a real estate salesman or broker. The investigation file is to be forwarded to the Attorney General for any appropriate further action. A letter of admonishment is to be sent to Mr. McGovern, RPB for Hawaiian Properties for his hiring personnel to perform duties requiring a license without first determining whether such a person was registered. Condition of censure to be made a part of the broker's permanent licensing file.

RE-226, KONA GARDEN ESTATE - The subdivider is to be told that notwithstanding the Executive Secretary's telephone discussion with Mr. Carl Adair, the Commission takes the position that a registration of this project is required. The Commission's registration forms and the subdivision law will be forwarded to the subdividers. On the suggestion of the Chairman, Mr. Yamanaka will examine this project further at the office of Mr. Raymond Suefuji, Director, Hawaii Planning Commission, and report his findings at the next meeting.

Miscella-
neous:

1967 LEGISLATIVE PROGRAM - The Chairman expressed the hope that a first draft of proposed legislation, as conceived earlier and carefully reviewed at the August 15, 1966 Legislative Workshop, would be ready for distribution to all participants before the September monthly meeting.

Mr. Peterson assured the Chairman that he is working up the initial drafts of proposed legislation.

38TH ANNUAL NARELLO CONFERENCE - The commissioners noted that Mr. Palk and Mr. Silva will represent the Commission at the November 8-11, 1966 annual meeting in Miami Beach, Florida. The members are in support of the Chairman's position that it is important to Hawaii, both as an investor state as well as a situs state, to have adequate

representation at these important national conferences. It is agreed that a team of two representatives is necessary in order to pursue solutions to problems that this state shares with other jurisdictions.

1967 CALENDAR YEAR EXAMINATION SCHEDULE - The Executive Secretary recommended, for the Commission's approval, the following schedule:

<u>Deadline for Filing</u>	<u>Date of Examination</u>
Friday, January 20, 1967	Tuesday, February 21, 1967
Friday, May 26, 1967	Tuesday, June 27, 1967
Friday, September 22, 1967	Tuesday, October 24, 1967

The Commission accepted the recommended examination schedule for next year.

Date of Next Meeting: At 10:00 a.m., Thursday, September 29, 1966 in Honolulu.

The Commission will schedule the following month's meeting in the County of Kauai, Friday and Saturday, October 21-22, 1966.

Adjournment: There being no further business to transact, the Chairman declared the meeting adjourned at 4:10 p.m.



ROBT E. BEKEART
Executive Secretary

APPROVED BY THE COMMISSION:

JACK K. PALK
Chairman

REB:sw
9/28/66