

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

MINUTES OF MEETING

Date: Tuesday, June 27, 1967

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

Present: Jack K. Palk (Oahu) Chairman                      Hiromu Yamanaka (Hawaii)  
Yukio Kashiwa (Oahu) Vice Chairman              William H. C. Young (Oahu)  
Harold J. Silva (Oahu)  
Tom L. Peterson, Deputy Attorney General  
Robt E. Bekeart, Executive Secretary

By Invitation:

H. Dickey Thacker, representing Honolulu Board of Realtors

Absent: (None)

There being no representatives for the County of Kauai and the County of Maui, the Chair noted these vacancies for the record.

Call to Order: There being a quorum, the Chairman called the meeting to order at 10:15 a.m.

Minutes: UPON MOTION, the Commission approved the minutes of the May 23, 1967 meeting as distributed.

Motion carried unanimously.

Business                      LICENSING (Sec. 170-1. through 170-24.)

Out of

Minutes:

Appearance: ROY ALEXANDER CRAW, Jr., accompanied by prospective employing broker and sponsor, Peter T. McGovern, Principal Broker, Hawaiian Properties, Ltd.

The Chairman, in his opening remarks, stated that the Commission in response to Mr. Craw's request, considered and approved today's appearance of the applicant and his prospective employing broker as a possible means of rehabilitation.

Mr. McGovern had advised the Commission earlier in writing that he is of the opinion that Mr. Craw, if given a proper chance, could reestablish himself as a good salesman and representative of the real estate profession. Orally, he spoke on behalf of the applicant and laid out an anticipated program of training and supervision.

Having heard Mr. Craw and Mr. McGovern through, the Chairman advised them of the conditions to be imposed if the salesman license is to be restored. The Executive Secretary will

prepare the agreement in writing, the applicant and his prospective employing broker are to signify their consent by acknowledging acceptance of the restoration of real estate salesman license No. RS-4163 on the conditions set forth by the Commission. Mr. Craw and Mr. McGovern agreed to the suggested ground rules and were excused.

The decision to conditionally restore Mr. Craw's salesman license is to be treated and recorded as the Commission's action to re-consider the motion as carried during the proceedings of May 23, 1967 to deny the applicant the right to reinstate the subject forfeited license based on a review of the Abstract of Criminal Record involving moral turpitude.

EXAMINATION TASK FORCE - Mr. Silva and Mr. Yamanaka are to serve in a liaison role to the Examination Branch to assist in reviewing examination questions and answers. Mr. Yamanaka, having been present at the recent HARELLO Western District Conference in Salt Lake City, will have the additional responsibility of representing Hawaii on the Association's regional committee to survey, in depth, the examination requirements, content, format and degree of difficulty of the eleven Western states and provinces.

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

ALTA SIERRA NO. 6 SUBDIVISION - Grass Valley, Nevada County, California; 58 residential lots; subdivider - Alta Sierra Ranchos, Inc. (Edward L. Pasteris, Assistant Secretary, 140 Tammy Way, Grass Valley, California); selling broker - Pastor Pablo Realty, Inc.

ALTA SIERRA NO. 7 SUBDIVISION - To be perfected

ALTA SIERRA NO. 8 SUBDIVISION - To be perfected

ALTA SIERRA SKYPARK SUBDIVISION - To be perfected

Mr. Young, on assignment, will examine the illustrative file, ALTA SIERRA NO. 6, and present his recommendations. The Executive Secretary is to advise the commissioner when the discrepancies in the three (3) remaining registrations have been removed and the filings are acceptable to the Commission's administrative requirements.

CONDOMINIUMS (Sec. 170A-1. through 170-46.)

The Executive Secretary presented the following status table on Horizontal Property Regimes projects under examination:

<u>PROJECT</u>	<u>REGISTERED</u>	<u>PRELIMINARY</u>	<u>FINAL</u>	<u>SUPPLEMENTARY</u>
Terrace Tower No. 84	5/12/65			6/7/67
King Kalani No. 107	8/5/65		6/15/67	
Academy Tower No. 156	8/4/66			5/31/67
Golflinks Apartments No. 164	3/29/67		5/31/67	
Halekai II No. 165	3/10/67		6/9/67	
Alewa-Lani Estates No. 166	4/24/67	6/20/67		
Waipehe Apartments No. 167	4/4/67		6/26/67	
Waileha Apartments	1/26/67	(Pending, likely to be withdrawn)		
Kapiolani Terrace	1/26/67	Pending		
Windward Villa No. 11 No. 132	10/22/65			Pending
Wailana At Waikiki	4/13/67	Pending		
Hale Kai O'Kihei	5/5/67	Pending		
Ala Kimo Condominium	5/9/67		Pending	
Kamehameha Gardens	6/2/67		Pending	
1616 Kewalo *	6/9/67	Pending		
Scandia Tower No. 153	8/10/67		6/23/67	
Victoria Plaza No. 158	10/27/66	6/22/67		

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\* Registration effective under ACT 244, S.L.H., 1967

New Business:

LICENSING

NEW CORPORATIONS, PARTNERSHIPS, DBAs and BRANCH OFFICES

Corporation

Principal Broker

Sands Realty, Inc.  
JYS Corporation

Mary Jean Ignacio  
Trygve Stave

Partnership

(None)

DBA

Leimoni C. Dowson	dba	Mainland Pacific Real Estate Co.
Peter T. Kimura	dba	Alohawaii Real Estate
Charles E. Wilkie	dba	Honolulu Property Management & Sales

UPON MOTION, the Commission ruled that the license processings immediately above, as tentatively authorized by the Licensing Administrator, be approved and entered of record.

Motion carried unanimously.

Investigations:

RE-231 ARNOLD INABA - the draft of the Hearing Officer's Statement of the Case, Findings of Fact, Conclusions and Recommendations were presented by Mr. Silva to the membership.

UPON MOTION, the Commission accepted Mr. Silva's paper and ruled that the respondent be reprimanded for violating section 170-12(h), (m) and (o), Revised Laws of Hawaii 1955, as amended.

The Commission recognizes the seriousness of the respondent's conduct and considers that suspending or revoking Mr. Inaba's privilege would create an economic hardship for the licensee and his family. The decision of the Commission to not suspend or revoke is conditioned on the requirement that Mr. Inaba can operate as a licensee if he engages himself with an employing broker, for a period of one (1) year, in probation status where he will be properly supervised. The respondent shall comply with the Commission's decision within thirty (30) days from the date he receives notice, otherwise the regulators will re-consider their action and move into action of suspension or revocation of real estate broker license No. RB-4511.

Motion carried unanimously.

Recess:

The Chairman declared a break for the noon meal at 12:10 p.m.

Reconvene:

At 1:45 p.m., the Chairman reconvened the meeting.

Investigations:

RE-233 HEADRICK DEVELOPMENT, INC. - The Deputy Attorney General, Mr. Peterson, met with the respondent and an agreement was concluded that would see the firm complying with the license law by setting up a real estate division in the company and having a broker qualified to supervise realty operations.

The Executive Secretary reports that as a follow through to the conference with Mr. Peterson, the respondent has come in to discuss compliance with effective law and regulations.

RE-237 WAIMALU TERRACE CONDOMINIUM - No further report has been made by the law firm of Hong and Iwai regarding their May 22, 1967 request for an extension of sixty (60) days to give the Commission notice of change in the plans or set up of the subject development. File to remain active.

RE-241 EDWARD J. BOSSING - Evidence on power of attorney, coupled with an interest, has been received from Mr. Jack B. Crawford, Secretary-Treasurer, Hawaiian Ocean View Estates. File to remain active for prosecution of unlicensed activity.

RE-242 KARL EMBREY -

(Same status and disposition as RE-241 immediately above.)

RE-246 TRUSTCO REALTY, INC. - The advertising agency is to report to the Commission that the requirement of mailing the corrective publication to all persons receiving the original brochure has been complied with. The technical service firm, Bunn Winter Associates, Inc., are to be advised of their responsibilities in the program of correcting a misleading advertisement.

RE-253 JACK UJIMORI - On the basis of the facts and information in the investigation report, the Commission finds there is no violation of effective law or regulation. No action is taken. It appears that this matter is to be resolved with the assistance of attorneys.

RE-250 CHARLES GALEN - The Commission observed, from the information in the narrative report, that the complainant's position hinges on the allegations that the respondent did not properly advise her, the seller, on the relative merits of the unsecured promissory note versus the second mortgage and note procedure. The investigation report is to be referred back to the Investigation Branch for clarification. The members suggest that the investigation be re-opened, the respondent further interrogated and an amended investigation report published. The Commission is of the opinion that the possible charge of misrepresentation be supplemented in the re-opening of the investigation.

RE-243 RICHARD DE ROY - A warning letter is to be directed to the respondent admonishing him for apparent misconduct in his unintentional error in attempting to sell the complainant a lot other than the one he advertised and held out to the prospective purchaser as his own property.

Miscellaneous:

1967 LEGISLATIVE PROGRAM

Licensing: H. B. 777, REAL ESTATE RECOVERY FUND was signed into law as ACT 137 on June 2, 1967.

It is to be noted that the requirement for a surety bond on all licenses has a cut-off date of December 31, 1967.

Condominium: S.B. 695, HORIZONTAL PROPERTY REGIMES was signed into law as ACT 244 on June 6, 1967.

Notices of intention to sell received on and after the above date are to be examined pursuant to ACT 244.

Subdivision: H. B. 35, UNIFORM LAND SALES PRACTICES ACT was signed into law as ACT 223 on June 5, 1967. Commencing June 6, 1967, all subdivision registrations are to be received and processed pursuant to ACT 223. The Licensing Administrator is setting up the procedures and mechanics for handling filings.

The Commission relinquishes regulatory control over subdivisions of twenty (20) or more lots as established by ACT 154, Regulations Over Transactions Involving Real Estate Subdivisions, effective July 7, 1961.

HARELLO WESTERN DISTRICT CONFERENCE

The Chairman, Mr. Palk, reported orally on Hawaii's participation at the June 8-10, 1967 meeting in Salt Lake City, Utah, that he and Mr. Yamanaka attended. It was noted that the two-day conference was extremely well organized and all attendees demonstrated a high level of interest and productivity. The regional meeting, according to the two delegates, is best described as a professional sounding board for the exchange of ideas, suggestions and improvements in the legal and technical aspects of license law enforcement programs.

The Regional Vice President, Chief Assistant Commissioner Hempel of California, has set up a committee to explore the relationships as they exist and as they may be improved and strengthened in the areas of uniformity of examinations and an exploratory approach to some administrative standards of reciprocity. Mr. Yamanaka has the assignment of representing Hawaii on this committee.

Mr. Palk announced the schedule and sites of future meetings:

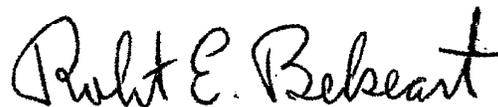
- (1967) 39TH ANNUAL HARELLO CONFERENCE - Albuquerque, New Mexico
- (1968) 40TH " " " - St. Paul, Minnesota
- (1969) 41ST " " " - San Francisco, California
- (1968) WESTERN REGIONAL MEETING - Helena, Montana
- (1969) " " " - Seattle, Washington

Date of  
Next  
Meeting:

Friday, July 21, 1967 at 10:00 a.m. in Honolulu. The regular meeting scheduled was modified on Mr. Young's suggestion in order to give the Commission an opportunity to have a final meeting and luncheon with its counsel, Mr. Peterson, Deputy Attorney General, who leaves State service about July 24, 1967.

Preliminary discussion was held on conducting a meeting in the County of Maui during the next quarter.

Adjournment: There being no further business to transact, the Chairman declared the meeting adjourned at 3:00 p.m.



ROBT E. BEKEART  
Executive Secretary

REB:sw  
7/24/67