

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

MINUTES OF MEETING

Date: Tuesday, October 24, 1967

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

Present: Jack K. Palk (Oahu) Chairman Douglas R. Sodetani (Maui)
Yukio Kashiwa (Oahu) Vice Chairman William H. C. Young (Oahu)
Harold J. Silva (Oahu) Hiromu Yamanaka (Hawaii)

Robt E. Bekeart, Executive Secretary

By Invitation

H. Dickey Thacker, representing Honolulu Board of Realtors

Absent: James H. S. Choi, Deputy Attorney General

There being no representative for the County of Kauai, the Chair noted this vacancy for the record.

Call to Order: There being a quorum, the Chairman called the meeting to order at 1:45 p.m.

Minutes: UPON MOTION, the Commission approved the minutes of the County of Maui meeting of September 22-23, 1967.

Motion carried unanimously.

Business Out of Minutes: LICENSING (Sec. 170-1. through 170-24.)
No business carried over from previous meeting.

SUBDIVISIONS (Sec. 170-30. through 170-38.)
Effective June 6, 1967, with H. B. 35, Uniform Land Sales Practices Act signed into law as ACT 223, the Commission relinquished regulatory control over the registration of twenty (20) or more lots as established by ACT 154, 1961 Legislature.

The Chairman ordered that this heading be struck from Commission agenda and minutes.

CONDOMINIUM (Sec. 170A-1. through 170A-46.)
The Executive Secretary presented the status table below on Horizontal Property Act registrations.

<u>PROJECT</u>	<u>REGISTERED</u>	<u>PRELIMINARY</u>	<u>FINAL</u>	<u>SUPPLEMENTARY</u>
The Palm Reg. 112	10/19/65	None	12/10/65	Pending/
Windward Villa No. II Reg. 132	10/24/65	None	4/18/66	Pending*
Ala Kimo Reg. 179	5/9/67	10/20/67		
Koko Isle Reg. 174	6/30/67	9/5/67	Pending*	
Mokuleia Surf and Sand Parcel I	6/28/67	None	Pending/	
Kapiolani Towers Reg. 177	7/31/67	None	9/28/67	
Kailua Village Reg. 178	8/21/67	9/29/67		
Wailuku Townhouse Reg. 155	6/23/67	10/26/66	10/13/67	
Bali Hai Cottage Colony	9/5/67	Pending/**		
American Savings and Loan Association Building	9/21/67	None	Pending*	
Kalakaua Sands	9/21/67	Pending*		
1805 Poki Reg. 109 (Punahou Manor)	8/3/65	12/2/65	Pending*	
The Magellan Reg. 160	12/12/66	3/15/67	None	Pending*
Maui Eldorado	9/22/67	Pending*		
Kapiolani Hale	10/2/67	None	Pending/	
Prospect Tower Apartment	10/20/67	Pending*		
Ala Wailani	10/20/67	Pending/		

LEGEND: * denotes waiting examination and write-up of report.
/ denotes waiting on Developer for fulfilling requirements.

New Business:LICENSINGNEW CORPORATIONS, PARTNERSHIPS, DBAs and BRANCH OFFICESCorporation

Da-Ri-Ma Development Corporation
 Lakeview Realty, Inc.

Principal Broker

David A. Ferguson
 Thomas Y. Tsuzuki

Partnership

(None)

DBA

Charles W. Brooks, II dba Real Estate Investments

Branch Office

Great Hawaiian Realty, Inc.

Broker-in-Charge

Edwin H. Hiroma

Investigations: RE-226 KONA GARDEN ESTATES SUBDIVISION

The Executive Secretary is to determine that the properties of the KONA GARDENS offering of about 1960 and the current registration KONA GARDEN ESTATES SUBDIVISION are projects of two separate and distinct corporations or development groups. If the determination clarifies the matter, the registrant, Kona Hawaiian Investment Corporation, will be advised that the KONA GARDEN ESTATES SUBDIVISION is accepted and the subdivider may commence his merchandising program.

RE-237 WAIMALU TERRACE CONDOMINIUM

The Attorney for the Developer of Registration No. 104 has orally advised the Executive Secretary that he will submit a written report on his client's intention. Said Donald K. Iwai's presentation will be distributed to commissioners for their study.

Deferred to the next meeting.

RE-241 EDWARD J. BOSSING and HAWAIIAN OCEAN VIEW ESTATES

File has been forwarded to the Attorney General requesting assistance in preparing the case for prosecution.

RE-242 KARL EMBREY and HAWAIIAN OCEAN VIEW ESTATES

A case similar to RE-241, the file is to be forwarded to the Attorney General, with a copy of the power of attorney used in the illegal operations of Hawaiian Ocean View Estates, stating the Commission's position that this is a violation of Chapter 170 and asking the Attorney General to prepare the case for prosecution.

RE-210 MORRIS MOCHE (aka HYMAN GALEA)

If OP. 66-6 of February 25, 1966 prepared by Mr. Tom L. Peterson, Deputy Attorney General, is valid as against unlicensed employees who engage in offering for sale or lease their employer's lands, the Commission requests the Attorney General to review the file and assist in its preparation for prosecution.

RE-250 CHARLES GALEN

On a further review of the case, followed by additional conferences with both the complainants and respondent, the Commission has determined that based on the information and facts assembled there appears to be no violation.

No action will be taken and the parties are to be notified accordingly.

RE-261 EDUARD SATO

The respondent is to be advised at once that his conduct in this Pacific Gardens Unit II condominium transaction leaves much to be desired. It is the commissioners' position that even though the amount of the deposit was small he should have been more responsive. His misconduct brings discredit to others in the real estate industry who aspire to professionalism.

RE-264 VIOLET C. KING

The procedures for the formal hearing before Mr. Sodemani, Hearing Officer, and Mr. Yamanaka, Assistant Hearing Officer, at 1:30 p.m., Monday, November 27, 1967, in the Conference Room, have been set in motion.

RE-265 BEN E. AYSON

The respondent is to be advised that on the basis of information in the investigation report and the complainant's position in seeking a refund the Commission suggests that the respondent seriously consider returning the one hundred dollars earnest money. The commissioners are of the opinion that the respondent is not in a favorable position in seeking to enforce one part of the contract where there is an absence of specific language to support such an action.

If the respondent elects to hold to his position of not honoring the request for a refund of the deposit money, the Commission then must consider setting the matter down for a hearing.

Any communication, oral or otherwise, to the respondent must be tactfully constructed and the Commission's opinion is without prejudice to either of the two parties.

RE-267 FRANCIS Y. WONG

After reviewing the listing contract and the standard form Deposit Receipt, Offer and Acceptance, and the Deed, the Commission's position is that it is patently clear that in the absence of independent evidence indicating misrepresentation on the part of the respondent the complainant has had several opportunities to challenge or question the financing involved in the offer as it was presented and accepted.

Further, the Commission views the complainant's action of waiting approximately eighteen months before bringing this matter to the

attention of the regulators as an indication that this was not viewed by the seller at the conclusion of the transaction as a matter to be reported.

The Commission, based on the information and facts presented in the investigation report, concludes that there has been no violation of statute or regulation. The record will remain open to afford the complainant the opportunity to submit additional information or facts to support charges of fraud or misrepresentation.

Miscellaneous:

REAL ESTATE RECOVERY FUND

Mr. Okaji, Licensing Administrator, advises the Commission that the investment policies and procedures involving contributions of the Real Estate Recovery Fund will be presented by Jensen S. L. Hee of the Department of Budget and Finance, state agency charged with the responsibility of coordinating investment programs.

ROBINSON - LOUF REALTY, INC. PROPOSAL

The Commission sees the participation of the broker in the Community Club advertising and promotional program as action that would require more specificness if the broker was to become involved in radio and television spots and companion newspaper advertising. It is unclear to the commissioners as to just what goal or objective Charles E. K. Robinson has in mind in joining up with an apparatus where there is a strong tendency to advertise and promote in a manner not in keeping with good taste or accepted standards.

The broker is to be advised of the Commission's position.

39TH ANNUAL NARELLO CONFERENCE

Mr. Kashiwa reports that everything is in readiness for him to depart for the Association's annual meeting in Albuquerque, New Mexico, October 29 through November 2, 1967.

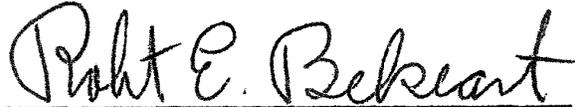
Date of

Tuesday, November 28, 1967, at 10:00 a.m.

Next Meeting:

Adjournment:

There being no further business to transact, the Chairman declared the meeting adjourned at 5:45 p.m.



ROBT E. BEKEART, Executive Secretary

REB:va
11/27/67