

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

MINUTES OF MEETING

Date: Tuesday, February 20, 1968

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

Present: Jack K. Palk (Oahu) Chairman Harold J. Silva (Oahu)
Irving A. Jenkins (Kauai) Hiromu Yamanaka (Hawaii)
Douglas R. Sodetani (Maui) William H. C. Young (Oahu)

James H. S. Choi, Deputy Attorney General
Robt E. Bekeart, Executive Secretary

By Invitation:

Wesley F. Charlton, representing Real Estate Association of Hawaii

Absent: Yukio Kashiwa (Oahu) Vice Chairman - excused
Michael T. McCormack, representing Honolulu Board of Realtors

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

Minutes: UPON MOTION, the Commission approved the proceedings of the Thursday, January 18, 1968 meeting as circulated.

Motion carried unanimously.

Business Out of Minutes: LICENSING (Sec. 170-1. through 170-24.)

Fingerprint Record Procedures

The Chairman noted that the Honolulu Board of Realtors suggested to Mr. Honda, Director of the Department of Regulatory Agencies, that a review of the fingerprint identification system be made in order to reduce the delay time that applicants are experiencing. The commissioners recognize that the processing of fingerprint identification at the Federal Bureau of Identification in Washington, D. C., is a requirement that must be met and admittedly is a problem over which the regulators have no control.

It is believed that by reverting to the earlier arrangement where the applicant would file for fingerprint clearance with the Bureau of Crime Statistics and Identification prior to submitting an application to write an examination the waiting time for FBI clearance could be tailored to the announcement of examination results.

The commissioners discussed the attendant workload that would be placed on BCSI personnel with a greater number of applicants seeking fingerprint clearance before

receiving admittance credentials to the examination site. Consideration was given to the fact that many applicants are filing re-examination applications and they would not have to make additional fingerprint submittals.

It was agreed that the Executive Secretary study the proposal of having all applicants submit their fingerprints to BCSI and the Commission receives a written notice from that agency to the effect that an application for clearance has been made prior to filing an application for license. Those applicants re-taking an examination need not meet this requirement if their identification records are current and notice is on file that they have made application for clearance within the previous twelve months to filing for re-examination. Applicants for broker license will be required to submit to the same fingerprint identification clearance requirements as salesman applicants. The Commission accepts that current identification clearance is to be based on the immediately prior period of three hundred and sixty-five days. After one year the clearance information must be updated.

The commissioners will review this matter at the next meeting in order to set the requirements in motion for the June 3 deadline date for those desiring to qualify in the July 2, 1968 examinations.

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>	<u>Current</u>
Windward Villa II Reg. 132	10/24/65	None	4/18/66	Pending *	
Kapiolani Hale	10/2/67		Pending +		
Prospect Tower Apartments	10/20/67		Pending *		
Niihau Apartments Reg. 187	11/3/67	-	1/25/67		
Honokeana Cove Reg. 124	11/29/65	-	3/11/66	2/9/68	
The Palms Reg. 112	10/19/65	-	12/10/65	2/13/68	

<u>Project</u>	<u>Registered</u>	<u>Preliminary</u>	<u>Final</u>	<u>Supplementary</u>	<u>Current</u>
Lahaina Roads Reg. 176	7/26/67	9/22/67	2/15/68		
Kailua Village Reg. 178	8/21/67	9/29/67	-	1/29/68	
Maui Sands II	12/6/67		Pending †		
Mokuleia Resorts- Lowena	1/12/68	Pending *			
Diamond Head Lanai	1/12/68	Pending *			
Seventeen Seventeen Ala Wai	1/23/68	-	Pending *		
Wilder Tower	1/23/68	Pending *			
Coral Terrace Apartments	1/23/68	-	Pending *		
The Palo Alto	2/1/68	Pending *			
The Barclay	2/6/68	Pending *			
Kapiolani Manor Reg. 129	1/11/66	3/31/66	9/30/66	Pending *	
The Greenway Reg. 173	7/14/67	8/29/67	Pending †		

LEGEND: * denotes waiting examination and report writing
 † denotes Developer's responsibility to meet requirements
 current-date of Developer latest communication

In discussing the format of the public reports, for illustration in the matter of HONOKEANA COVE, REGISTRATION 124, the Commission agreed the terms of the Master Lease should be disclosed in order to tell the public, in the preamble section of a report the number of years remaining on the lease of the ground expressed to the Regime. Mr. Jenkins agreed to monitor this matter and make recommendations to improve and strengthen the public report system.

New
Business:LICENSINGNew Corporations, Partnerships, DBAs and Branch OfficesCorporationPrincipal Broker

Walter Loo & Associates, Inc.
State Realty, Inc.

Walter W. L. Loo
William K. M. Chee

DBAs

Tyrrell Realty Associates
Seaside Properties
Aala Realty
Stinson Real Estate Co.

Dorothy H. Tyrrell, dba
Barbara C. Liddle, dba
William A. Cummings, dba
James W. Stinson, dba

Partnerships

None

Branch Offices

None

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

Motion carried unanimously.

Investigations: RE-237, WAIMALU TERRACE CONDOMINIUM

Deputy Attorney General James H. S. Choi briefed the Commission on the results of his research regarding the regulator's question on cancellation or withdrawal of a condominium public report. He reported that at this time he was unable to find any decisive information which he could rely on to advise the commission.

The Chairman requested that counsel consider making such a report in writing for the record.

RE-264, VIOLET C. KING

The revised findings and recommendations have been perfected by Mr. Choi and forwarded to the Hearing Officers for signature. Upon receipt of the paper by the staff, it will be forwarded to the respondent in accordance with regulations and rules in order to permit her to file her exceptions in writing.

RE-265, BEN E. AYSON

The respondent appeared voluntarily on the invitation of the Commission and presented his side of the transaction. The commissioners recognized that in certain aspects the written investigation report did not completely give all details. Mr. Neal Breslin, Investigator, appeared and was responsive to the Commission's questions. The conclusion was that as critical circumstances had not been recited in the investigation

report, the Commission is of the opinion that the deposit could rightfully be held by the Seller under the forfeiture condition of the offer to buy contract. The Executive Secretary will contact the complainant and verify specific statements that the respondent introduced which were not made a part of the investigation report.

RE-269, MARK-CROSSETTI, INC.

The complainant alleges that he has not received a refund as per the terms of the contract of sale for purchase of HALE O KONA condominium apartment. The Executive Secretary will contact the complainant and determine if there has been any improvement in this situation where reasonable efforts have been made to secure a refund from the Developer after December 31, 1967 because the project was never completed.

RE-275, MRS. EILEEN WILHELM and CLARK ALWORTH

The Executive Secretary reported that Mr. Alworth had been advised in writing that on the record the Commission finds he did not qualify in the November 17, 1967 broker examination. He also wrote a re-examination on December 15, 1967 and his scores were not passing. A broker license has been issued Mrs. Eileen Wilhelm.

RE-276, CAY SINGLETON

On the basis of information in the investigation report, the Commission sees no violation of regulation or law that would rest on the respondent. Nothing in the licensing statute requires the broker to try and get the deposit back. The complainant may be of the opinion that the broker didn't exhaust all avenues to seek the return of purchaser's deposit and this would have to be resolved directly with the respondent. The case is to be filed and the complainant so advised.

RE-280, CLEMENT GONDO

The matter is to be set down for a hearing. Mr. Young and Mr. Silva were given the assignment as Hearing Officers for this case and RE-283 which is of a similar nature as to a violation.

RE-283, CLEMENT GONDO

Formal hearing to be set with this case and the one immediately above consolidated into a single proceeding before Messrs. Young and Silva.

HARRY Y. M. KIM, KAM FONG CHUI, ROBERT E. K. D. LEE

The case, as adjudged and ruled on in a Court of the First Circuit, is to be probed by the Investigation Branch and a report prepared for the next meeting.

REPORT ON LOS ANGELES LAND AND INVESTMENT, LTD.

The Executive Secretary briefed the commissioners on his appearance, under subpoena, in the United States District Court for the District of Hawaii in proceedings for the reorganization of the subject corporation.

Miscellaneous: 1968 BUDGET SESSION

Horizontal Property Act

The Executive Secretary is to expedite processing of the proposed amendment to Section 170A-39.2 in order to secure the Administration's endorsement of the bill against the test of urgency and ultimate passage.

EDUCATION TASK FORCE

Chairman Sodemani reported on plans to convene the participants in a second meeting at which definite programs and goals will be established.

All members of the education study group have been alerted and are prepared to convene on Wednesday, February 21, 1968 expecting reports from sub-committee members holding assignments from the Chairman.

OFF ISLAND TRAVEL

The Commission discussed the relative merits of convening a two-day meeting in the County of Hawaii during April, May or June as against the value of having adequate representation at the NARELLO regional meeting.

After discussing program budget restrictions with Mr. Dick Okaji, Licensing Administrator, the Commission requested that the Administration support the principle of using the \$638.44 earmarked for off island travel to underwrite the cost of sending two delegates to the NARELLO Western District Conference in Montana.

It was the decision of the Commission that Hawaii's delegation be Mr. Palk, a 1968 member of NARELLO's Board of Directors, and Mr. Yamanaka.

Date of

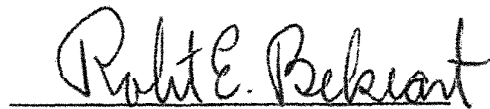
Friday, March 22, 1968, at 10:00 a.m. in Honolulu.

Next Meeting:

Education Task Force will be on a tentative schedule to meet a day in advance of the regular monthly meeting of the Commission.

Adjournment:

There being no further business to transact, the Chairman declared the meeting adjourned at 5:10 p.m.



ROBT E. BEKEART
Executive Secretary