

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

MINUTES OF MEETING

Date: Thursday, April 24, 1969

Place: Board Room, Kamamalu Building  
 1010 Richards Street, Honolulu, Hawaii

Present: Jack K. Palk, (Oahu) Chairman Harold J. Silva (Oahu)  
 Herbert S. Isonaga, (Oahu) Vice Chairman Hiromu Yamanaka (Hawaii)  
 Irving A. Jenkins (Kauai) William H. C. Young (Oahu)

Robt E. Bekeart, Executive Secretary

James K. Trask, Jr., representing Honolulu Board of Realtors  
 George A. Morris, Executive Vice President, Honolulu Board of Realtors  
 Wesley F. Charlton, representing Real Estate Association of Hawaii

Absent: Douglas R. Sodetani

Call to Order: There being a quorum, Mr. Palk, in the Chair, called the meeting  
 to order at 2:00 p.m.

Minutes: UPON MOTION, the Commission approved the minutes of the Thursday,  
 March 27, 1969, meeting.

Motion carried unanimously.

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

RE-264 Violet C. King matter. Since the previous meeting, Chairman Palk and Vice Chairman Isonaga met with Mr. Bert Kobayashi, Attorney General, to explore ways to seek the respondent's compliance with the Commission's decision and order. Following the commissioners' meeting with the Attorney General, the task was assigned to a Special Investigator, Department of the Attorney General, to obtain evidence that Mrs. King has continued to conduct illegal real estate operations.

The Commission acknowledged the report that a letter had been sent to Mrs. King stating that as of this date there is no information in hand to show that she desires to cooperate with this regulatory body by surrendering her real estate broker certificate, pocket identification card and further, that she is not carrying on activities for which a license is a requirement.

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

(See FIRST ATTACHMENT.)

Investigations: RE-283 Clement K. Gondo. A copy of the Hearing Officers' findings of fact, conclusions of law and recommendation, based on testimony presented at the hearing, has been served on the respondent. Service has been accepted through certified mail channels and as of this date no exceptions have been filed by the accused. It was the opinion of the Commission that a decision and order be prepared for serving on the respondent. The Chairman will sign the decision and order and the commissioners are to record their role in the matter by filing a written statement with the Executive Secretary.

RE-328 Mahina Surf Condominium No. 230. The Executive Secretary is preparing this matter for hearing and the notice of charges are to be forwarded to the Attorney General for review.

RE-329 Condominium Hawaii. The Chairman will review this case with the respondent in an effort to work out a compromise. The commissioners agreed that if a solution cannot be affected, in the administrative stream, the matter would then have to be prepared for a hearing. Executive Secretary will monitor this with Chairman Palk.

RE-330 Robinson & Lowe Realty. The complainants seek redress by return of their earnest money deposit of \$500. Elements of a private matter are present which would place this outside the purview of the Commission. It would appear that all parties must look to the language, intent and operation of the Standard Form Contract.

RE-332 Tropic Isles Realty. The Chairman is to take this case under study with attempts to be made at seeking explanation from respondent. There is some indication that the sales representative for the listing broker is trying to resolve this to satisfaction of complainant as well as her principal.

RE-334 Tyrrell & Schrader, Inc. The Commission recognizes that this is a case of many complexities, but from the information and facts in the investigation the escrow agent is prepared to forward the \$200 to the complainant.

RE-338 Waikiki Realty, Ltd. It is the opinion of the Commission, after review of the investigation report and due consideration of the issues presented, that no statutes, rules and regulations, nor the Code of Ethics, which are part of the Commission's standards of conduct, have been violated.

The Commission noted that the complainant did not fully cooperate with the Investigator in responding to reasonable questions in his pursuit for additional information and facts.

RE-340 Morris Moche. The matter is to be set down for a hearing before the full Commission. The tentative date was established as Friday, May 9, 1969, at 10:00 a.m. The procedures will require that the Commission get a waiver from the respondent of the thirty-day notice of hearing as required under Hawaii Administrative Procedures Act. The commissioners are aware of the willingness of the respondent's attorney to cooperate in proceeding with this matter.

Real Estate Recovery Fund. Mr. Okaji, Licensing Division Administrator, appeared to review the statutory procedures under which complainants may initiate claims against the fund. The matter of H. Bates Len's recent death unduly complicates the mechanics of seeing that those who do have a bona fide claim are to be given remedy under the statute. The Commission is of the opinion that the Legislature did not intend that the procedures would be stymied by the probate system, but that an equitable arrangement is to be found in the law for settling such claims if the Court makes the appropriate judgment. It was agreed that the attorney for the complainant against the decedent broker Len is to be advised on what procedural steps are open to his client and what requirements of the Real Estate Recovery Fund Act must be met.

New Business:

LICENSING:

Corporations, Partnerships, DBAs and Branch Offices

<u>Corporation</u>	<u>Principal Broker</u>
Halekalani Realty Corporation	James W. Bryer
Hawaii Real Property Corporation	Don R. Cowell
Leilani Estates, Inc.	Arthur H. Ikeda
Dolphin, Inc.	Clara T. Patterson

Partnerships  
(None)

<u>DBAs</u>	
Elizabeth Baker, Realtor	Elizabeth Baker dba
Tropic Isles Realty	R V Enterprises, Inc. dba

Branch Offices  
(None)

UPON MOTION, the Commission rules that the license processings immediately above, as tentatively authorized by the Executive Secretary, be accepted with approval and entered of record.

Motion carried unanimously.

Examination Schedule for Balance of Calendar Year 1969

<u>Deadline</u>	<u>Test</u>
June 2, 1969	July 1, 1969
September 29, 1969	October 28, 1969

Miscellaneous:

The Dilrock-Eastern Company Fairways Condominium Plans

The Commission decreed that a meeting is to be set up with officials of the Developer in order to gain additional information as to whether their condominium plans in South Kohala are proper horizontal property regime registration to receive, examine and report on.

Real Estate Research and Real Estate Education Program

The Chairman instructed the Executive Secretary to make sure that the December 11, 1968 draft of the Memorandum Agreement and the Project Approval Agreement is to be properly reproduced and made a part of the proceedings of the February 27, 1969 meeting. He underscored that it was at this meeting with Assistant Professor Bell present that everyone was in accord, also on invitation Mr. Honda, Director of Regulatory Agencies, conferred with the commissioners and found nothing objectionable in the two proposed contracts.


After receiving Mr. Young's report on the fund and accounting matters, the Commission thoroughly reviewed all aspects of the administrative hurdles that had to be cleared in order to expedite some transfer of Recovery Fund monies to the academic authorities who are endeavoring to pursue the Characteristic Study objectives and present a report of findings to the Commission.

Date of Next Meeting:

Tuesday, May 27, 1969 at 2:00 p.m. in Honolulu.

Adjournment:

There being no further business to transact, the Chairman declared the meeting adjourned at 5:00 p.m.

  
ROBT E. BEKEART, Executive Secretary

REB: va  
5/27/69