

Minutes of the Meeting
of the
REAL ESTATE LICENSE COMMISSION
OF THE TERRITORY OF HAWAII

April 4, 1952, at the offices of the Commission, Rooms 109 and 121,
Honolulu Armory, Hotel and Miller Streets, Honolulu, Hawaii.

Present: Eaton H. Magoon, Chairman
John K. Akau, Jr., Member
Stephen K. Miyagawa, Investigator

The regular meeting of the Real Estate License Commission of the Territory of Hawaii was called to order by Mr. Eaton H. Magoon, Chairman, at 9:00 a.m., in the Commission offices, Rooms 109 and 121, Honolulu Armory, corner of Hotel and Miller Streets, Honolulu, Hawaii. The reading of the minutes of the previous meeting was dispensed with. The order of business and actions taken were as follows:

ORDER OF BUSINESS

Provisional Appointment of New
Administrator - Stephen K. Miyagawa

The Department of Civil Service, Territory of Hawaii, sent this office an official notice provisionally appointing Stephen K. Miyagawa as the Real Estate Licensing Administrator, CAF-9, replacing Kinji Kanazawa, effective April 1, 1952.

Mr. Magoon moved, seconded by Mr. Akau and carried that the above action has the unanimous approval of the Commission members.

Mr. Miyagawa requested a clarification and review of the general powers and duties of the Administrator in order to assist him in better understanding his new position. Mr. Magoon, Chairman, stressed on the importance of maintaining a good working relationship with the general public. The chief duty of this Commission is to protect the public in its real estate transactions. Both Mr. Magoon and Mr. Akau assured the Administrator that they are willing and available at any time to advise and guide the Administrator in the proper functioning of the Commission. The Administrator should not hesitate at any time to consult the members whenever a questionable matter arises. It was therefore agreed unanimously that all ministerial duties fall automatically within the responsibility of the Administrator and all administrative duties which require establishing or amending policies or which require specific interpretation of our laws should go to the Commission for its action and disposition.

Leave of Absence by Kinji Kanazawa

Mr. Kinji Kanazawa, former Administrator, has requested a leave of absence from this Commission thereby retaining his status and privileges earned thus far as a Civil Service employee. Mr. Magoon, Chairman,

moved, seconded by Mr. Akau, and unanimously carried that the Administrator write to the Department of Civil Service, Territory of Hawaii, requesting whether a leave of absence could be granted to Mr. Kanazawa.

Reinstatement Requests from
Salesmen and Broker

The following salesmen and one broker requested the reinstatement of their forfeited licenses and made the proper remittance of \$25.00 for such reinstatement:

<u>Broker</u>	<u>Salesmen</u>	
Paul Goya	1. Charles L. Fernandez	6. Raymond Ponzo
	2. James Teruya	7. Josephine Roy
	3. Sarah B. Creed	8. Shuishi Takami
	4. George I. Hasegawa	9. Thomas Siegfried
	5. Peggy West	

Upon the recommendation of the Administrator, the above applicants were unanimously approved for reinstatement.

Mrs. Winifred O. King applied to reinstate her salesman's license. The Administrator requested further time to investigate. Mrs. King has been inactive since 1940 when she left the Territory to go to the mainland. The Commission members unanimously approved that Mrs. King's request be subject to further investigation and recommendation by the Administrator.

Jurisdiction of this Commission to Regulate
Splitting Commission Between and Among
Licensed Brokers in Separate Jurisdictions

A letter from the Guaranty Investment Co., Ltd., requesting the Attorney General's opinion on the above matter was called to the Commission members' attention. (see attached letter from Guaranty Investment Co., Ltd.) The Administrator prepared a report that the provisions contained in Chapter 150, Revised Laws of Hawaii 1945, as amended (Sections 7732, 7736, 7741), and Rule 10 of the Rules and Regulations of the Real Estate License Commission do not permit splitting of commission by a licensed broker with any unlicensed person even though such person may be a licensee of another jurisdiction. (See report attached)

A communication dated April 2, 1952 which was just received from the Attorney General's office in reply to our previous communication of July 27, 1951 contradicts the opinion of this Commission. Mr. Magoon moved, seconded by Mr. Akau and unanimously carried that the Administrator should see Mr. Canright, Deputy Attorney General, and request a re-interpretation of our statutes. The Commission does not agree with Mr. Canright's ruling. (See communication from the Attorney General's office dated April 2, 1952)

Review of the Proposed Amendments and Additions to the Rules and Regulations of the Real Estate License Commission

The proposed amendment of Rules 8 and 9 and an adoption of Rule 14 were again brought up for discussion (see minutes of March 4, 1952). The members felt that said rules and regulations should be redrafted and resubmitted to the Attorney General's office for the approval of that office. The Administrator's suggestion for including an additional rule giving this office specific authority to charge a minimum price for Commission handbooks was favorably accepted. It was therefore moved by Mr. Magoon, seconded by Mr. Akau, and unanimously carried that this matter be deferred for further study.

Mr. Magoon further advised the Administrator to draft a letter to Mr. D. D. Watson, Commissioner of the Division of Real Estate, State of California, requesting his advice and opinion regarding our proposed amendment of the rules and regulations. Mr. Magoon felt that we can gain a lot by learning more about the California laws.

Commission Expenditures

The monthly expenditures for the month of March 1952 amounted to \$66.95. It was moved and unanimously carried that this amount be approved for payment by the Commission.

Financial Status as of March 31, 1952

The Administrator reported that the Commission collection of fees amounted to \$2,698.00 for the month of March. The unexpended balance remaining in the Special Fund amounts to \$12,891.09.

Policies Recommended for Adoption

1. Policy in Receiving Complaints - It was unanimously approved that all complaints be put in writing. The Commission will investigate further and take proper action only if the complaint is in writing.
2. Policy in Circulating Commission Mail - It was felt that the Commission members should have access to all incoming Commission mail. Mr. Magoon suggested that each member should have a name plate cut and envelopes run off to mail to each member materials coming in from time to time which are of general information. The mail should first be addressed to Mr. Akau's office, enclosing a self-addressed, stamped envelope to Mr. Magoon, so that Mr. Akau, after he is through reading, could forward same to Mr. Magoon.
3. Policy in Mailing Licenses - Mr. Magoon suggested that in order to avoid any reports of alleged loss of real estate licenses through the mail, the Commission should insure their safe delivery by registering at the post office which charges a nominal fee. This procedure should be followed at the end of the year when the

renewal licenses for brokers and salesmen are mailed out in bulk and there may be a possibility of non-delivery of some licenses.

NALLO Convention for 1952

The annual NALLO convention for 1952 is scheduled to be held in Richmond, Virginia from November 2-5, 1952. This Commission has always tried to send one or more representatives to the annual NALLO convention. It was unanimously voted that Mr. Magoon, Mr. Akau and if it is possible the Administrator of the Commission should attend the convention. The members will personally call on the Governor to request his approval to send all three representatives from the Commission.

Case of Allan Rees Kenworthy

Mr. Kenworthy took a salesman's examination on July 28, 1951. Before he could take an oral examination to determine whether he passed his salesman's examination, Mr. Kenworthy left the Territory. Mr. Magoon moved, seconded by Mr. Akau and unanimously carried that Mr. Kenworthy be denied his salesman's license.

Pending Cases

1. Case of William C. Silva - The Administrator reported that Mr. William C. Silva is now confined at the Territorial mental institution in Kaneohe. Mr. Silva's case has been pending since 6/7/50 when his broker's license was suspended. It was unanimously agreed that this case be closed. Mr. Silva's license is now forfeited and he is no longer a licensee of this Commission.
2. Case of J. Mijo, broker - The case was again reviewed by the Commission for final disposition. In the Commission meeting of 11/27/51, it was considered this was a private matter and beyond the jurisdiction of this Commission. Mr. Valeriano Meguelfer complained to the Commission that Mr. Mijo did not make good a personal loan of \$200.00. Motion was made to close this case and consider the matter beyond the jurisdiction of this Commission.

Reinstatement Notices

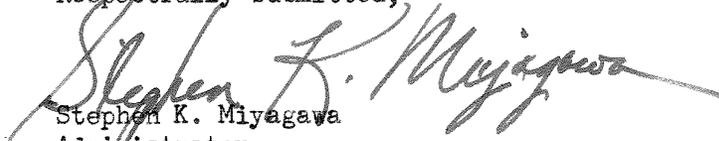
The Administrator reported that to date a total of \$1,175.00 in reinstatement fees was received since January 1952. It was noted that the form letter that Mr. Magoon drafted, advising licensees who forfeited their licenses to reinstate was very effective and brought in a great number of response. It was unanimously voted that the sample copy of the form letter be filed for future reference and be made a part of the minutes of the Commission.

Minutes

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Respectfully submitted,


Stephen K. Miyagawa
Administrator

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