

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

February 11, 1953, in the Conference Hall, second floor, Honolulu Armory, corner of Hotel and Miller Streets, Honolulu, T. H.

Present: Eaton H. Magoon, Chairman
John K. Akau, Jr., Member
Charles H. Kimura, Member
Stephen K. Miyagawa, Administrator
Robert H. K. Chang, Deputy Attorney General

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 conference hall, second floor, Honolulu Armory, corner of Hotel and Miller Streets, Honolulu, T. H. 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

Reappointment of John K. Akau, Jr.
as a Member of this Commission

Mr. John K. Akau, Jr., whose term in office as a member of this Commission expired as of December 31, 1952, was reappointed for an additional three-year term by Governor Oren E. Long, on February 5, 1953. A motion of congratulations was made by Mr. Magoon, seconded by Mr. Kimura, and unanimously carried.

Case of Kenneth J. S. Pang

A formal hearing was scheduled to determine a possible violation of Section 7741, subparagraphs 2, 3, 4, 9 and 13, Chapter 150, Revised Laws of Hawaii, as amended, by Mr. Kenneth J. S. Pang, licensed broker who is at present under suspension for a period of three months. Mr. Pang was represented by his counsel, Mr. T. S. Goo. Mr. Pang was alleged to have disregarded the Commission's instructions not to solicit or deal in any real estate transaction during the period of his suspension. Investigation disclosed that Mr. Pang approached a Mrs. Doris Watanabe and stated to her that Mr. Clarence Tam, broker-in-charge appointed to handle his office during the interim of his suspension, was a salesman working for him. Mrs. Watanabe and Mr. Tam, broker, were present to testify at the hearing. Mr. Robert H. K. Chang, Deputy Attorney

General's office, was present to represent as counsel for the Commission. Miss Francis Jones, official court reporter of the Honolulu District Court, took the transcript of the proceedings of the hearing. The transcripts are available at the request and need of this Commission.

The facts and evidence presented at the hearing were thoroughly discussed and reviewed at the close of the hearing, and it was unanimously agreed that there wasn't sufficient evidence to charge Mr. Pang of violation of the real estate laws. Mr. Magoon moved, seconded by Mr. Kimura, and unanimously carried that the Commission send Mr. Pang a strong letter of reprimand and that he be ordered to remove his business sign in front of his office within 24 hours.

Mr. Magoon, Chairman, moved that the office policy hereafter would be to receive all complaints in writing and no formal hearings be scheduled unless first a detailed report of the case has been prepared and submitted to the members for their review and comments. If the members after reviewing the facts of the case feel that a formal hearing is necessary, they will instruct the Administrator to schedule a hearing. They felt this will eliminate unnecessary Commission expenses and waste of time by witnesses and others subpoenaed to appear before the hearing.

Stowe-Way Homes, Ltd.

Stowe-Way Homes, Ltd., a corporation, filed an application for a brokerage license. Mr. Daniel Chu, licensed broker, is named as the principal broker representative of the corporation. The Administrator reported that a thorough investigation was done on this corporation and found that the Better Business Bureau had some confidential information on Stowe-Way Homes, Ltd. After some discussion, it was unanimously agreed that as far as the application was concerned everything was complied with as to requirements, and whatever confidential information the Better Business Bureau had in their files was of no concern of this Commission unless a direct complaint had been filed with this Commission against Stowe-Way Homes, Ltd.

The members of the Commission directed the Administrator to review this matter with Mr. Robert K. H. Chang, Deputy Attorney General, and to seek his advice as to whether or not the Commission could put a notice in the paper calling attention to the public that the above corporation had applied for a brokerage license and anyone who may wish to voice any objections may do so in writing to the Commission.

Reinstatement Requests

Mr. Calvin K. Ueki, broker, and Mr. Robert M. Kawada, salesman, who forfeited their licenses due to failure to remit the annual renewal fees applied for reinstatement. The licensees were investigated and upon the recommendation of the Administrator, Mr. Akau moved, Mr. Kimura seconded, and it was unanimously approved that they be reinstated.

Acquisition of Accounting Machine

Suggestion was made by Mr. Magoon that due to the delay in issuing 1953 licenses out to the licensees in time, the Commission should purchase an accounting machine and reorganize or revise our present files and incorporate a ledger form for each licensee. The new ledger form would include all important information and thereby eliminate other duplicating files. After a discussion of its pros and cons, Mr. Kimura moved, Mr. Akau seconded, and was unanimously carried that the Commission purchase an accounting machine with the approval of the Auditing Department of the Territory of Hawaii.

The Administrator was requested to look around for the make and price of such a machine and report to the Commission for approval.

Office Equipment and Furniture

The Commission is now faced with the shortage of office equipment and furniture. The Territorial legislature is in session and they have reclaimed the many equipment and furniture which were loaned to this office. The Commission needs a filing cabinet immediately. The office secretary is without a desk and is at present using a loaned desk which has to be returned as soon as possible.

Therefore, it was duly motioned by Mr. Magoon, seconded by Mr. Akau, and unanimously carried that the Commission authorize the Administrator to purchase a 4-drawer steel file cabinet and a desk for the secretary immediately from the Special Fund.

Proposed Amendments to Chapter 150,
Revised Laws of Hawaii, as amended 1951

Copies of proposed amendments to Chapter 150, Revised Laws of Hawaii, as amended, to be introduced in the coming legislature were circulated to the members. The proposed amendments would affect Sections 7731 (definition of real estate broker and salesman), Section 7737 (maintaining a place of business), Section 7740 (pertaining to fees), and Section 7741 (revocation and suspension of licenses). See attached copy of amendments. The members moved that this matter be deferred for a while until they have had an opportunity to study and discuss the proposed amendments before formal introduction to the legislature.

Case of Mrs. Jack Finton
Violation of Section 7736

The Administrator reported that an ad appeared in the Honolulu Star-Bulletin on Wednesday, January 28, 1953, as follows:

"Attention landlords! List your rentals with
us. Tenants waiting. No charge. Ph 914365."

Upon investigation, it was disclosed a Mrs. Jack Finton, who is unlicensed, had put the ad in the paper. The Commission unanimously voted that a letter be sent to Mrs. Finton, citing violation of Section 7736, Revised Laws of Hawaii, as amended, and cautioning her that if she continues to represent herself in the real estate field, this Commission will be forced to refer this matter to the City Prosecutor's office for action.

Case of Leslie Picot

Mr. Picot's application to take the coming real estate examination was discussed, since there was a question whether he would be eligible under the residence clause. Mr. Picot has stayed in the islands a total of two years; however, it was not a continuous one. The Commission directed the Administrator to seek the opinion of Mr. Robert Chang, Deputy Attorney General, what important facts are considered in determining legal residence.


Legality of Conducting Oral Examinations

Mr. Magoon, Chairman, brought up the question of the legality of giving oral real estate examinations. He cited a case of a Korean man who can speak well in Korean but has difficulty in expressing himself in the English language. Under Section 7737, subparagraph 1, Chapter 150, Revised Laws of Hawaii, as amended, authority is given to the Commission to give written examinations. The Commission decided this matter should be discussed with the Attorney General's office for an opinion.

Adjournment

There being no further business, the meeting was adjourned.

Respectfully submitted,


Stephen K. Miyagawa
Administrator