

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

February 25, 1953, at the offices of the Commission, Rooms 109 and 121,  
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, Territory of Hawaii

A special 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, 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

The Charles Ford & Associates of the West, Inc.

On November 7, 1952 a brokerage application under the title of CHARLES FORD & ASSOCIATES OF THE WEST, INC., was filed with the Commission, appointing Mr. Gerald A. O'Rouark as the principal broker. The Commission had studied this matter very critically, because the whole set-up of the corporation seemed in violation of Section 7741, subparagraph 14, and the rules and regulations of the Real Estate License Commission. It was, therefore, decided to call a formal hearing to determine whether or not a brokerage license should be granted to Charles Ford & Associates of the West, Inc., a foreign corporation. Representatives present from the Charles Ford & Associates, Inc., were Mr. G. A. O'Rouark, principal broker; Charles A. Nafe, broker from Guaranty Investment Co., Ltd., and Harold W. Conroy, counsel. Mr. Robert H. K. Chang, Deputy Attorney General of the Territory of Hawaii, represented the Real Estate License Commission as counsel.

The transcript of the proceedings of the hearing was taken by Miss Elaine T. Ikeda, Commission secretary. (See attached transcript)

The Commission members reviewed with Mr. Chang, Deputy Attorney General, the facts presented at the hearing. The members unanimously agreed that a thorough study of the case showed that Charles Ford & Associates of the West, Inc., has met all the qualifications and that there is nothing to prohibit the issuance of a brokerage license. A motion was duly made by Mr. Magoon, seconded by Mr. Akau, and passed unanimously that approval be granted for the issuance of a license

subject to all the conditions as set forth in Chapter 150, Revised Laws of Hawaii, as amended.

The Commission also came to the conclusion that there is nothing in our laws to prevent a licensed broker here to split commission with another broker on the mainland. The Administrator was advised to consult with Mr. Chang of the Attorney General's office, to release a proper notice to the public to the effect that licensees of this Commission would be advised of this information.

#### Case of Leslie Picot

Mr. Leslie Picot requested consideration to take the next coming real estate examination. He requested an investigation to determine whether he qualified as a resident for two years. He first came to the Territory on September 15, 1948 and was forced to leave the Islands due to loss of job during the 1950 six-month shipping strike. Then he returned to Honolulu on November 6, 1952. This makes a total of over two years' residence in Hawaii. There was a question as to whether establishing legal residence would mean one of continuity of a total of two years. It was moved by Mr. Magoon, seconded by Mr. Akau, and unanimously carried that after the Administrator clarifies this point with the Attorney General's office and after an interview with Mr. Picot to determine his eligibility, the Commission would allow Mr. Picot to take the next real estate examination, if he qualified.

#### Release on Disciplinary Action Taken Against Licensee by Commission

The Administrator requested the opinion of the Commission whether or not the general public should be informed in a news release whenever a person's license has been revoked or suspended or whenever a licensee is reprimanded for violation of our statutes. Mr. Magoon moved, seconded by Mr. Kimura, and unanimously carried that the Administrator be instructed to publish news release on all suspensions and revocations in the future.

#### Reinstatement Requests

The Commission acting upon the recommendation of the Administrator unanimously moved to approve the reinstatement of Mr. M. Russell Fozzy and Christina U. H. Lamson, petitioners for reinstatement of their real estate salesman's licenses.

#### Examination Notification Forms

In order to speed up the work in the office, it was suggested by the Administrator to use mailing card notices similar to the ones used by the Civil Service Commission in notifying applicants regarding

taking, passing, or failing examination, and any other notice pertaining to real estate examinations and licenses. Sample cards were shown to the members. Up to now, the Commission has been sending form letters or special communications to applicants which could be eliminated and a lot of time would be saved by sending out mailing card notices already printed with most of the information on the face of the card. The Commission members unanimously agreed this would be a good idea to adopt. The Administrator was authorized to set up the forms and print them on our mimeograph machine, if possible.

Publication of Names of Applicants  
Taking Examinations

This matter will be cleared with the Attorney General's office and the legal opinion obtained from that office regarding releasing in the papers all the names of the applicants who apply to take examinations will be announced at the coming Commission meeting.

Letter to Governor

Mr. Magoon, Chairman, announced that the Governor of Hawaii, Honorable Oren E. Long, wrote him a letter of appreciation for the services rendered by this Commission. For the sake of the record, Mr. Magoon requested that a copy of his reply to the Governor be filed with the minutes. (See attached copy)

1953 Real Estate Directory

The Commission has been publishing an annual real estate directory of all licensed real estate brokers, brokerages, and salesmen in the Territory of Hawaii. However, a question was raised as to the necessity of printing one every year. The past records show that they get outmoded after a few months' use, because new licensees are added and the licensees are always changing addresses and the salesmen are constantly transferring from one broker to another. After some deliberation, the Commission unanimously felt that if a directory is to be published this year, a tally of the number of requests should first be taken before printing one.

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

A copy of the proposed amendments to Chapter 150, Revised Laws of Hawaii, as amended, was distributed to the Commission members. Principally, the amendments redefine a real estate broker and a salesman; a requirement of two years' experience before a salesman can apply as a broker; some changes in fees; a provision providing the operation of a real estate business until the new license is received; two years' limitation to apply for a forfeited or a revoked license; and another cause for grounds of revocation or suspension of license. (a copy is attached herewith)

The members decided to read over the amendments at leisure and report back whatever changes they would like to make before forwarding it to the Attorney General's office for approval as to form and contents.

Case of Mrs. Francis Meyers  
versus George Farias

Mrs. Francis Meyers complained to the Commission that Mr. George Farias, broker, had failed to install a pipeline as promised by Mr. Farias when she purchased a lot from him. Since then Mr. Farias has installed the pipeline which cost him \$46.00 and therefore the case was closed. The Commission unanimously approved the action taken by the Administrator and agreed that there was no violation of the licensing statutes.

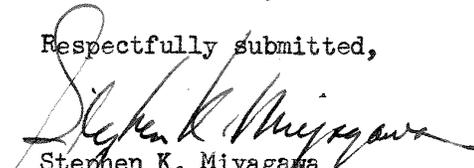
Case of Charles Pietsch, Sr. and Jr.

In going through the Commission files, it was disclosed that Messrs. Charles J. Pietsch, Sr. and Charles J. Pietsch, Jr., have been operating as partners in the real estate business since 1948 without a partnership license. Under Section 7736, Chapter 150, Revised Laws of Hawaii, as amended, it definitely provides that no person, co-partnership, or corporation shall act as real estate broker or real estate salesman without a license previously obtained under and in compliance with the provisions of this chapter and the rules and regulations of the commission. The Treasurer's office of the Territory of Hawaii has verified our contention. After deliberating whether this co-partnership should be assessed for the original co-partnership license plus all the back renewal payments or whether the Commission should assess only the original license fee, it was unanimously decided that the Administrator call on Mr. Pietsch at his office and report the results of the interview at the next Commission meeting. The Commission members felt the co-partnership should be assessed for all the back payments from 1948 to date.

Adjournment

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Stephen K. Miyagawa  
Administrator