

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

June 23, 1953, at the offices of the Commission, Rooms 109 and 121,
Honolulu Armory, Hotel and Miller Streets, Honolulu, Hawaii

Present: Eaton H. Magoon, Chairman
J. Patton Odom, Member
Hirotooshi Yamamoto, Member
Stephen K. Miyagawa, Administrator

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, T.H. The reading of the minutes of the previous meeting was dispensed with. The order of business and the actions taken were as follows:

ORDER OF BUSINESS

Governor Appoints New Commission Members

Mr. Magoon, reappointed Chairman of the Real Estate License Commission, congratulated and welcomed the newly appointed members, Mr. Hirotooshi Yamamoto and Mr. J. Patton Odom, who replaced Mr. John K. Akau, Jr., and Mr. Charles H. Kimura. Mr. Magoon stressed the importance of working as a team in carrying out the provisions of Chapter 150, Revised Laws of Hawaii, which purpose is the protection of the general public in its real estate transactions.

Mr. Magoon moved that a letter of appreciation be written to both Mr. Akau and Mr. Kimura for the fine services they had rendered during their term in office, which was seconded by Mr. Odom, and unanimously carried.

Request to Open Branch Office

Mr. Howard Wolfe, broker, requested permission to open a branch office at 45-1026 Kamehameha Highway, Kaneohe, Oahu. Since the records in the office indicate that Mr. Wolfe is at present maintaining a branch office for Mr. Wendell Brooks in Kailua, the Administrator recommended that this matter be deferred for further investigation before approval be granted. Mr. Yamamoto moved, Mr. Odom seconded, and unanimously carried that this matter be deferred for further investigation.

Permission to Use Trade Name

Mr. Herman Baltrusch, broker, filed a request to operate his real estate business under the fictitious trade name, Baltrusch Realty Company. Upon the Administrator's recommendation, Mr. Odom moved, seconded by Mr. Yamamoto, and unanimously carried that Mr. Baltrusch's request be approved and proper licenses be reissued under the new trade name.

Reinstatement Requests

The Administrator reported that the following applicants filed petitions and made payments to have their licenses reinstated:

1. Abner C. White, broker
2. Thomas B. Miles, salesman
3. Richard E. Platt, salesman

The procedure and requirements of reinstating a forfeited license were explained to the new members. Since the above had complied with all the requirements, Mr. Yamamoto moved, seconded by Mr. Odom and unanimously carried that their licenses be reinstated.

Mr. Magoon suggested that an amendment be introduced in the next legislature to require a person to pay all his delinquent fees before his forfeited license could be reinstated to good standing. The Administrator suggested that a person be re-examined to see if he qualifies. The Commission doubted whether this requirement would be legal and requested that the Administrator seek advice from the Office of the Attorney General.

Inventory Report for Fiscal Year 1952-53

The completed inventory report for the fiscal year 1952-1953 was presented to the Commission members for their review and approval. The report was unanimously approved as presented.

Approval of Drafts of Broker's and Salesman's Examinations

The drafts of the broker's and salesman's examinations were presented to the members for a thorough review. Mr. Magoon invited the members to contribute any questions they would like included in the examinations. Since the members wished to review the examinations individually at leisure, it was decided to reserve recommendations until a later date.

New Sets of Ledger Cards for Each Broker and Salesman

Mr. Magoon explained to the members the maintaining of a new set

of ledger cards for every licensee of the Real Estate Commission effective July 1, 1953. (See sample forms attached) This system was adopted to streamline the work in the office and to facilitate the issuance of licenses at the end of the year.

Eligibility of Residence Requirement

(1) S. Mike Matsumura, Hilo applicant, wrote to the Commission inquiring whether he would be eligible to take the coming salesman's examination scheduled to be held on July 11, 1953. Mr. Matsumura has been away attending a mainland college for the past four years and also has worked in both states of California and Illinois. Although he claimed himself a citizen of both states (paid taxes and participated in elections), his permanent address remained in Hilo, Hawaii (paid Territorial taxes).

(2) Theodore S. Matsuo, applied to take the salesman's examination. He claimed to have been away on the mainland approximately six years and attended college and worked for awhile in Minneapolis, Minnesota. He claimed that he participated in elections and paid state taxes; however, he has always maintained the Territory as his legal residence because he intended to come back to the islands to get a permanent job. The consensus of opinion of the members was that in either case the intent was to return to the Territory eventually and they were both born and raised in the islands. It was moved by Mr. Odom, seconded by Mr. Yamamoto and unanimously carried that Mr. Matsumura and Mr. Matsuo be allowed to take the coming examination.

Financial Report of the Commission

The cash balance of the Commission's Special Fund was reported as of May 31, 1953 to be \$19,664.09. The total receipts for the same period was reported to be \$780.00, and the expenditures for the same period was \$106.79. The report as presented was moved for acceptance by Mr. Yamamoto, seconded by Mr. Odom and unanimously carried.

Annual Audit of Commission Books & Records

The Field Auditing Division of the Territorial Auditors is at present conducting an annual audit of the books and records of the Commission. As soon as the audit is completed, the Commission will receive an audit report of their findings.

Disposition of Accumulated Old Files & Records

The Administrator requested the Field Auditor to recommend in writing what should be done with the accumulated old files and records. He reported that the Archives of the Territory of Hawaii is willing to store our old records as soon as the new building is completed. The Administrator was advised by the Commission to store the old files more neatly in a proper storage space and hold them for further instructions from the Auditors.

Bids to Print Examination Notice Cards

Bids submitted by two printing companies to print examination notice cards were presented as follows:

1. Tongg Publishing Co., Ltd.....\$31.45 for 1,000 copies
2. Watkins Printery..... 22.50 for 1,000 copies

Mr. Odom moved to award the bid to Watkins Printery which was seconded by Mr. Yamamoto and unanimously carried.

The Administrator reported that bids are being accepted for printing the real estate directory combined with the amended statutes, rules and regulations, Code of Ethics, and an Outline Guide for Study. The bids will be presented to the Commission as soon as they are received from the several printers. Mr. Odom suggested that the Commission's telephone number be printed on the face of the directory.

Governor Has Signed Our Bill into Law

The Governor has signed Senate Bill No. 415 into law on June 12, 1953. See copy of Act 252 to amend Chapter 150, Revised Laws of Hawaii 1945, as amended 1953, relating to real estate brokers and salesmen.

National Association of License
Law Officials Convention

The NALLO Convention for 1953 has been definitely scheduled to be held on November 5, 6, and 7, 1953 in Los Angeles, California. Reservations to attend the convention are being accepted. The Administrator requested that the members make a check of the suggested topics for inclusion in the program at the NALLO convention.

Mr. Magoon, Chairman, recommended that all three members of the Commission attend the convention. He volunteered to meet with the Governor to get his consent and approval.

Administrator's Trip to California

To date no word has been received from the Governor's office in regard to the request of this Commission to send the Administrator, Mr. Miyagawa, to California to study under Mr. D. D. Watson, California Commissioner. Mr. Miyagawa was instructed to follow up on this matter.

Pending Cases - old(a) Case of Nelson Ahuna

The Commission unanimously decided to defer this matter for the next meeting.

Pending Cases - old (cont'd)(b) Case of Stowe-Way Homes, Ltd.

The Commission unanimously decided to defer this matter for the next meeting.

(c) Case of Antone Martines vs. Parker & Company

The Administrator was instructed to present a resume of the facts of the case for the next meeting so that the Commission can decide whether a formal hearing would be required.

(d) Case of Kenneth J. S. Pang, broker

The Commission unanimously decided to defer this matter for the next meeting.

(e) Case of F. L. James

Mr. F. L. James has complied with the request of the Commission and it was therefore recommended by the Administrator that the case be closed. The Commission unanimously moved to approve his recommendation.

New Complaints and Violations(a) Case of Kaneo Kishimoto, broker

Mr. Kishimoto was cited for violation of Rule 8, Rules and Regulations of the Real Estate License Commission of the Territory of Hawaii. Our records show this is a second violation by Mr. Kishimoto. The ads which appeared in the Honolulu Star-Bulletin dated May 13, 1953 appeared as follows:

"AINA HAINA

3 b. r. 7,600 sq. ft. new home, \$15,570
need \$4,500 dn. 502377-502430.

"KAPAHULU

Bus. bldg. 9,697 sq. ft. \$1,150 mo.
\$125,000 w/¼ dn. 502377-502430.

"PALOLO

2 b.r. 5,600 sq. ft. lot, \$14,750-3170
Vanda w/\$5,000 dn. 2 b.r. 5,902 sq. ft.
\$14,000. 502377-502430."

(b) Case of William Gin Hee, broker

Mr. Hee was cited for violation of Rule 8, Rules and Regulations of the Real Estate License Commission of the Territory of Hawaii.

See Administrator's report. This is also a second offense by Mr. Hee.

It was moved by Mr. Odom, seconded by Mr. Yamamoto and unanimously carried that Mr. Kishimoto and Mr. Hee be requested to appear at our next Commission meeting for questioning.

(c) Case of Mrs. Fernandez vs. Edward A. Bolles, broker

The Administrator explained this complaint was caused by a misunderstanding and recommended that the case be closed until further development. Subsequent to filing the complaint, Mrs. Fernandez withdrew her complaint. The Commission advised the Administrator to get a written statement from Mrs. Fernandez withdrawing her complaint for the records. On a motion by Mr. Yamamoto, a second by Mr. Odom, and unanimously carried, the case against Mr. Bolles was considered closed. (See Bolles' folder)

(d) Case of Richard Higa, broker

The Commission unanimously decided to defer this case for the next Commission meeting.

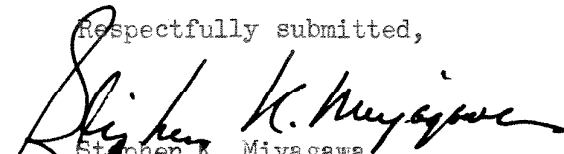
Petition Filed Against Honolulu Realty Board

A petition filed by several brokers against the advertisements published by the Honolulu Realty Board was received by the Commission. These brokers objected to the implication that only "Realtors" were capable of rendering intelligent service, expert advice and dealing honestly with the general public. Since time was getting short, the Commission unanimously moved to take this matter up at the next regular meeting.

Adjournment

The meeting was adjourned at 10:45 a.m., by a motion of Mr. Odom, second of Mr. Magoon and unanimously carried.

Respectfully submitted,


Stephen K. Miyagawa
Administrator