

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

September 23, 1953, at the office of the Commission, Rooms 109 and 121, Honolulu Armory, corner of Hotel and Miller Streets, Honolulu, T.H.

Present: Eaton H. Magoon, Chairman
Hirotooshi Yamamoto, Member
J. Patton Odom, 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

Case of Kenneth J. S. Pang

As agreed in the Commission meeting held on August 26, 1953, Mr. Pang was given an opportunity to appear before the Commission with his counsel, Mr. T. S. Goo, to explain why this Commission should set aside the revocation of his broker's license. The Administrator explained that Mr. Pang was given ample time to clarify his position before the revocation of his license. This office had tried to contact him at his office and a registered mail sent to him returned unclaimed. Furthermore, Mr. Pang was given specific instructions to appear before the Commission on the 5th day of each month after the reinstatement of his license. He failed to comply with this instruction.

Mr. Goo and Mr. Pang were called before the Commission for an informal hearing.

MAGOON: Meeting called to order. Mr. Goo, you are appearing for Mr. Pang?

G00: That's right, Mr. Magoon.

MAGOON: Could you explain to the Commission what your purpose is in appearing before this board this morning?

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GOO: Well, I don't know whether the Board gave sufficient time according to this..... Is this a formal hearing?

MAGOON: This is more or less an informal hearing. If you want to have a formal hearing, we would be very glad to give it to you.

GOO: I think we can get along.

MAGOON: What is your complaint, Mr. Goo?

GOO: Well, Mr. Magoon, Mr. Pang's license had been taken away from him. As you know, he had a hearing some time last year before he was suspended - actually suspended for three months - and the other nine months on probation. Then some time ago he was told by this Board that his license had been suspended because he had not made any report to this Commission.

MAGOON: You mean revoked.

GOO: He was not notified of that at any time by this Commission nor by the Secretary. Mr. Pang feels this Board - I wouldn't say didn't have the right - should consider and listen to what he has to say before taking any action and I presume the reasons why the Board took that action. It was my understanding when we first came up for the hearing that Mr. Pang was told to report to the Secretary, Mr. Miyagawa, each month, but if he did not have any transaction he didn't have to report. There was a period of about 3 or 4 months when he didn't have any transactions during those periods and, therefore, there was nothing to report.

MAGOON: Is that all you have to say?

GOO: Yes, in general, any way.

MAGOON: Well, it seems to me the order was specific that he was to report once a month to this office and it looks to me that he had totally failed to do it. He absolutely ignored our letters. We sent him a letter to his address - his place of business. That's the place of business, isn't it?

PANG: Yes, that's my place of business.

MAGOON: King Street?

PANG: Yes.

MAGOON: What's your address?

PANG: 36 North King Street.

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MAGOON: I'll show you a registered letter returned to this office. Did you get this?

PANG: No, I din't. I received nothing.

MAGOON: You mean to tell us that the post office was negligent?

PANG: You see the mail goes to the people downstairs from whom I am renting the space from. Then, if I am not in they will not be responsible for my mail and they tell the post man to take it back.

MAGOON: You got a notice?

PANG: No, I didn't.

MAGOON: The second notice?

PANG: No, I didn't.

MAGOON: Seems to me Mr. Goo, the Commission has been very lenient to Mr. Pang. He has failed to come in this office for about 3 or 4 months; he has not even called in to this office - seems to me it is very negligent on his part. We have written him letters - what's the first letter he received? (to Administrator)

MIYAGAWA: The first letter was received on December 30, 1952. This letter instructed him to suspend operation from January 1, 1953 to March 31, 1953 and that he would be on probation for a period of one year thereafter. He was further instructed to report to the office of the Real Estate License Commission for his broker's license at the end of the suspension period. He was requested to submit to this Commission all documents, bank statements and closing statements involving any real estate transaction that he may have handled during the probation period. I have three of them - January to March 1953 - but I have not received the others up to date. At the time of his reinstatement, we sent him a letter. He was again strongly cautioned to exercise every care to uphold the laws of the Territory relating to real estate brokers, and was instructed to submit to this Commission a statement of all real estate transactions by the 5th day of each month for the next 12 months, commencing May 5, 1953. That was the final letter. That letter was dated April 23, 1953.

MAGOON: You received that letter - why didn't you come in?

PANG: Well, I was under the impression that if I had a sale of any

sort then I was to report. I made no sale after my license had been restored. In fact, I didn't make any sale of any sort until May of this year.

MAGOON: Why didn't you report the sale?

PANG: I did make the report when I sent a letter in to the Commission. That was after the notice was published.

MAGOON: When was that published? (to Miyagawa)

MIYAGAWA: The notice was published on July 22, 1953.

PANG: That's about the time the sale was made.

ODOM: What date was the sale made?

PANG: I showed my client this property on the 28th day of July 1953.

MAGOON: Well, you made the sale in May?

PANG: I am mistaken. I mean that was the first sale since I had my license restored. I sold it to Mr. and Mrs. McFadden. The listing broker was Mrs. Bunn. She did all the closing. I got the deposit from the client and turned it back over to her.

MAGOON: Did you tell her you were under suspension?

PANG: No, I didn't.

MIYAGAWA: You made a statement you had not engaged in any real estate activities.

PANG: Yes.

MIYAGAWA: What about your rental units?

PANG: I haven't been collecting any.

MIYAGAWA: What about this account you have with Mr. Kidder?

PANG: I gave it back. I think Cook Trust has it.

MIYAGAWA: You have never contacted Mr. Kidder after that?

PANG: I have contacted him to return the other papers I had in my files. He calls on me from time to time - that's all.

MAGOON: You knew you had to report to this office?

PANG: Yes, I knew but I were under the impression that if I didn't make a sale it wasn't necessary for me to report. That was the impression I got when we sat here in the last hearing.

GOO: I think the letter calls for that - if he didn't make any transaction, he didn't have to make any report.

MIYAGAWA: In his original instructions, he was instructed to submit to this office all bank statements. Otherwise, how can the Commission know whether he made a sale or not. Up to the time of his reinstatement, he did report but thereafter, none. He was instructed to bring in monthly statements.

GOO: When was those instructions given?

MIYAGAWA: At the time his license was reinstated. He was given instructions in December. Then, he was given instructions by letter.

ODOM: What's the date of the April letter?

MIYAGAWA: April 23, 1953. The December letter was given to him just before the license was suspended. He acknowledged receipt on December 31, 1952. The letter read: "The Commission has unanimously voted to suspend you for a period of three months effective January 1, 1953 to March 31, 1953 and on probation for a period of one year thereafter where you will be required to submit to this Commission all documents, bank statements and closing statements involving any real estate transactions that you may handle during this period."

GOO: How about your April letter?

MIYAGAWA: My April letter was received by him and it read as follows:

"You are again strongly cautioned to exercise every care to uphold the laws of the Territory relating to real estate brokers, and you are instructed to submit to this Commission a statement of all real estate transactions by the 5th day of each month for the next twelve months, commencing May 5, 1953 in accordance with the decision rendered against you on December 22, 1952." That's the letter but the original instructions by Mr. Magoon and the letter of revocation by this office state that he were to submit those statements and he did according to those instructions for the first three months. At the time he came in for reinstatement, I had specifically instructed him to bring in the statements each month.

MAGOON: Will you step outside for a few minutes, Mr. Goo?

GOO: Mr. Pang, too?

MAGOON: Yes.

GOO AND PANG WERE CALLED IN.

MAGOON: The Commission has considered your case and we found that you have been negligent in carrying out the order of our original sentence. You have totally failed to come before this Commission and bring in your statements that you had every opportunity to do so. We feel that due to the fact that Mr. Goo, who is your counsel, has presented your case which has some merits; but, nevertheless, we still feel that you have been negligent and the Board will give you another opportunity to make good. If you will apply to this Commission, the Administrator will reinstate your license on November 1st. From that time on in the event that you have disobeyed this Board in any respect, we will again take action against you. We also want you to report to this office on or about the 10th of each month for a period of six months which will be up to May 31, 1954 and bring to the Administrator your bank statements and any sales or transactions that you have made regarding real estate. It is a breach of your original sentence, and only due to your counsel, we are giving you some consideration. If you are not satisfied with the decision of this Commission, you can take any other action.

GOO: That's November 1st? I think the Board has been very lenient.

PANG: I am to report on the 10th of each month?

MAGOON: If you haven't received the bank statement by the 10th, call Mr. Miyagawa and just say, "I haven't my bank statement because the bank didn't send it yet." All you got to do is drop a card or something in the mail. You got to have someone to receive your mail or otherwise you are negligent in your duties as a real estate broker. I hope that hereafter you will conduct yourself as a broker should. That's all I have to say. (see attached report by the Administrator on Mr. Kenneth Pang)

The Commission unanimously approved the decision rendered against Mr. Pang. The Administrator was advised to reinstate Mr. Pang's broker's license on November 1, 1953 and to strictly follow through on his real estate activities during the remainder of the probational period which ends May 31, 1954.

Nallo Convention

The Administrator reported that the Honorable Samuel Wilder King had approved only two members, Mr. Odom and Mr. Yamamoto, to represent this

Commission as delegates to the National Association of License Law Officials convention to be held in Los Angeles, California, on November 5, 6, and 7, 1953 and, furthermore, approved that this Commission pay three registration fees for Mr. Magoon, Mr. Odom, and Mr. Yamamoto from the our Special Fund. (See attached copy of letter to Governor)

The members were again reminded to remit door prizes for the NALLO convention. The deadline is October 10, 1953.

Reservations for the members have already been made and confirmed by Hotel Statler, headquarters for the officials attending the convention.

Entertainment for the officials attending the NALLO post convention in Hawaii was again brought up for discussion. The Administrator contacted The Willows about holding a poi luncheon. It would cost approximately \$5.00 per person for a menu consisting of lau lau, chicken luau, lomi lomi salmon, lavala fish (baked in ti leaf) poi, haupia, coconut cake, coffee, and pineapple. It was decided this matter would again be discussed as soon as some definite word is received from Miss Ruth E. Fisher of Pan American Airways, who is working on the tour to Hawaii.

Request for a Change of Trade Name
By Chester Song, Real Estate Broker

Mr. Chester Song, real estate broker, requested permission to change his trade name from Chester K. Song's Realty Company to A-B-C Realty Company. Upon a motion by Mr. Odom, seconded by Mr. Yamamoto, it was unanimously carried that Mr. Song's request be approved.

Case of John Texeira, Salesman
on the Island of Kauai

A letter was received from Mrs. Dorothy S. Ahrens, broker on Kauai, calling this Commission's attention to an advertisement in the Garden Island allegedly inserted by John Texeira, a real estate salesman, which read as follows:

"FOR SALE

BEACH APARTMENT HOTEL

Direct on beautiful park and beach at Kapaa.
Excellent location. 8,700 sq. ft. Room for additional building. Unusual opportunity for right party. Owner lives on another island. Only \$15,900 full price. Low down payment, easy terms.

JOHN TEXEIRA
Box 182 - Kapaa, Kauai, T.H."

The Administrator was advised to write to Mr. Texeira and check with him for an explanation of the above advertisement.

Communication from Luman N. Nevels, Jr.

A letter was received from Mr. Luman N. Nevels, Jr., attorney for

Mr. Sanford Parker, requesting a complete and verbatim transcript of the proceedings of the hearing held on August 26, 1953 in the matter of Antone Martines versus Parker & Company.

The Commission unanimously voted that the records of this Commission is of a private nature and; therefore, they are not available for the public's use. The Administrator was instructed to advise Mr. Nevels the decision of this Commission. (See Sanford Parker's file)

"A Place To Stay"

An ad in the Honolulu Star Bulletin dated August 28, 1953 advertising "A Place To Stay" was called to the attention of the Commission. It represents smaller hotels and apartment hotels in the Waikiki area and will serve as a rental agency for tourists. The Commission felt that this sort of agency would fall within the jurisdiction of Chapter 150, Revised Laws of Hawaii. The Administrator was advised to check further into this agency and report back to the Commission on his findings.

Mr. Magoon reported that he had noticed a sign in the window of Mau's Shoe Shop that they have a house to rent. The Administrator was instructed to check into this immediately.

Approval of Salesman's Examination Drafted by Administrator

The draft of the salesman's examination to be given on October 24, 1953 was unanimously approved as presented by the Administrator.

Violations of Rules and Regulations, Real Estate License Commission

(a) Case of Richard Higa and Charles Pang, salesman - The Administrator submitted the attached report on Charles Pang, salesman for Richard Higo, broker, who had made representation at the office of Island Homes while his broker's license was still under suspension. After the facts of the case were presented, the members agreed with the Administrator's recommendation that Mr. Pang's action was not a wilful violation of our statutes. The above information was submitted for our records.

(b) Case of Martin G. Luna, broker - A report on Martin G. Luna, broker, was submitted to the members for violation of Rules 12 and 13, Rules and Regulations of the Real Estate License Commission. Mr. Luna has moved from his old address at 3025 Waialae Avenue and to date has not contacted the Commission of his new address. (See report attached) The members unanimously moved to call Mr. Luna before the Commission at its next meeting for an explanation of his violation.

(c) Case of Harold Wazo Oie, Broker - Mr. Oie was also cited for violation of Rules 12 and 13, Rules and Regulations of the Commission. He has failed to notify this Commission of his change of business address. The members unanimously voted to have Mr. Oie before the Commission for an explanation at its next meeting.

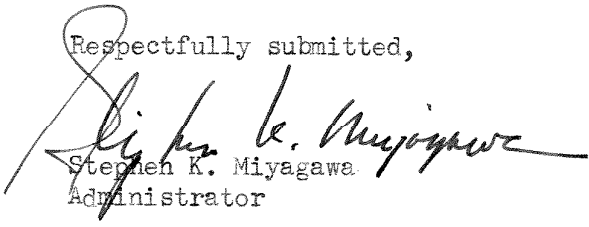
Request by Henry A. Zuberano

Mr. Henry Zuberano requested permission to take the coming real estate examination. From the information contained in his letter, the Commission unanimously moved that he has met the residence requirement and that his application will be accepted to take the examination. The Administrator was instructed to inform Mr. Zuberano by letter that he has qualified to take the examination subject to a satisfactory investigation report on him. (see file on Zuberano for further information)

Adjournment

There being no other business to discuss, the meeting was adjourned at 10:30 a.m.

Respectfully submitted,


Stephen K. Miyagawa
Administrator

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