

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

March 9, 1954, at the office of Eaton H. Magoon, Chairman, 910 Alakea Street, Honolulu, T. H.

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

Absent: Hirotoshi Yamamoto, Member

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 his office at 910 Alakea Street, 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

Oral Examinations Given to
Borderline Applicants

The following broker applicants who made borderline grades were re-examined on Monday, March 1, 1954:

1. Maed Carson
2. James Kent

After a thorough review of their examination papers, it was moved by Mr. Odom, seconded by Mr. Magoon, and unanimously carried that Maed Carson and James Kent be approved as qualifying for a broker's license.

Mr. John Nua, who was re-examined on Monday, March 1, 1954, failed to qualify for a broker's license. A motion was made by Mr. Odom, seconded by Mr. Magoon, and carried that Mr. Nua failed to qualify and, therefore, his broker's license is denied at this time.

The following salesmen applicants who were re-examined on Monday, March 1, 1954 were recommended as passing the salesman's examination:

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| 1. Ruth Anderson | 3. Kiyoko Oshiro |
| 2. Chester T. S. Lee | 4. James Y. Nakamura |

The recommendation by the Administrator was put into a motion, seconded by Mr. Magoon, and unanimously carried that the above applicants be approved as qualifying for salesman's licenses.

Mr. Henry Sheong Lau and Harry S. Tsuha failed to qualify for a salesman's license after being re-examined on March 1, 1954. Upon a motion by Mr. Odom, a second by Mr. Magoon, and unanimously carried, the Commission denied salesmen's licenses to Mr. Lau and Mr. Tsuha.

Police Record on Edmund K. Izumi

The Administrator reported that Mr. Izumi took the salesman's examination which was conducted on February 6, 1954, and passed with a grade of 84%. A routine investigation revealed that Mr. Izumi has a police record. A motion was made by Mr. Odom, seconded by Mr. Magoon, and unanimously carried that this matter be deferred for further investigation before a license is granted to Mr. Izumi.

Date of Next Real Estate Examination

It was recommended by the Administrator that the next examination for brokers and salesmen be held on June 19, 1954 and the deadline for filing the applications be set for May 24, 1954. The members unanimously moved for the acceptance of the Administrator's recommendation. It was strongly stressed that no exceptions be made to accept applications after the deadline date.

Commission Financial Report

The Commission financial report for the month of February 1954 was reported as follows:

Expenditures for February 1954.....	\$ 73.24
Fees Collected in same period.....	\$ 200.00
Balance in Special Fund as of 2/28/54.....	\$23,898.79

Mr. Odom moved to accept the above report which was seconded by Mr. Magoon and unanimously carried.

Pending Cases

- (1) Case of Antone Cabarlac Cacatian - It was unanimously decided that this case be deferred until the outcome of his case is known.
- (2) Case of Harold Sung Bong Kim - The Administrator reported that Mr. Kim has been convicted of a felony charge on March 3, 1954 and recommended that the Commission take immediate steps to revoke his salesman's license under the authority vested in the Commission in Section 7741, subparagraph 1, Chapter 150, Revised Laws of Hawaii, 1945, as amended 1953. (See Harold Kim's file for further details on his conviction) The Administrator was advised to write to Mr. Kim, advising him that the Commission is giving him an opportunity to appear before the Commission to show cause why his license should not be revoked.

- (3) Case of Edward N. Hamaishi - Mr. Hamaishi, salesman applicant, was requested by the Commission on December 1, 1953 to submit to this office a letter from his accountant certifying that he had paid the Federal tax liens and that he had filed for a tax refund before a license would be granted him. To date Mr. Hamaishi has not complied. The Commission unanimously agreed to deny Mr. Hamaishi his salesman's license at this time. The Administrator was instructed to write to Mr. Hamaishi, advising him that since he has not complied with the Commission's request his case will be closed and his application for a salesman's license is denied.

New Cases

- (1) Case of Dick Clissold, salesman - Dick Clissold was cited for violation of Rule 8, Rules and Regulations of the Real Estate License Commission. On January 20, 1954, in the Honolulu Star-Bulletin, the following ad was noted:

"For Vets only. New 3-bedroom hms. equip'd. \$1,000 dn., \$65 mo. Home Factors. Dick Clissold, 63805."

A discussion was held on Rule 8, specifically on the last sentence, "Reference to salesmen may be made in advertisements if the advertisement identifies them as salesmen and also names the broker and identifies him as such." In the light of this rule, Mr. Clissold, who is a salesman for Home Factors, must identify himself as a salesman. In order to avoid future violations, it was suggested that in the next circular letter to all brokers, attention should be called to this ruling. Another suggestion to include in the circular letter was the matter of proper signs on properties for sale. As a protection to the public, all brokers should cooperate with the Commission and report to this office any questionable signs that they may come across.

The Administrator was advised to write to Home Factors and call their attention to Rule 8, Rules and Regulations of the Real Estate License Commission and to abide by this rule in the future.

(2) Case of Richard S. Imada, Broker - Mr. Richard Imada was cited for violation of Rule 9, Rules and Regulations of the Real Estate License Commission. Rule 9 specifically states that it is unlawful for an individual broker, partnership or corporation to advertise or otherwise transact real estate business in a fictitious name unless such name has been previously registered by him with this Commission. The trade title Realty Associates has never been registered with this Commission as required by Rule 9. A motion was made by Mr. Odom, seconded by Mr. Magoon, and carried that Mr. Imada be given notice that if he doesn't register his trade name, he should take immediate steps to remove the sign Realty Associates in front of his office.

(3) Case of James C. Ching, Broker - The Administrator reported that this is a complaint lodged against Mr. James Ching, broker, by

Miss Edith Tanaka. Miss Tanaka claimed that Mr. Ching is retaining a sum of \$45.00 unlawfully, which is a deposit she made to Mr. Ching for renting his premises at 1806 S. King Street. Upon investigating this complaint, it was verified by Mr. Ching that Miss Tanaka failed to carry out the leasehold agreement and Mr. Ching retained the \$45.00 as damages. The Commission members agreed that this matter was beyond the jurisdiction of this Commission. The Administrator was advised to write to Miss Tanaka to inform her of the action taken by this Commission and to contact her own attorney if she is not satisfied with the decision of this Commission.

Investigation Conducted by Administrator
as Requested by Commission

(1) Waikiki Finance, Mortgage & Realty Co., Ltd.

On February 18, 1954, the Administrator called at the office of Waikiki Finance, Mortgage & Realty Company, Ltd., located at 184 Merchant Street. The following article was provided for under the Articles of Association:

"No. 6. To transact a general real estate agency and brokerage business - buying, selling, and dealing in real estate or real property on Commission and also renting."

The officers of the corporation are as follows:

1. O. Vincent Esposito, President & Treasurer
2. Hideki Nakamura, Executive Director
3. Tyler L. Esposito, Director
4. James K. Okazaki
5. Frances Osato

Mr. Esposito informed the Administrator that he is still not in business, and the Articles of Association indicate that it anticipates going into the real estate business in the future. Upon checking with the Attorney General of the Territory of Hawaii, that office advised the Commission that unless there is definite proof that Waikiki Finance, Mortgage & Realty Co., Ltd., is operating a real estate office, we cannot require them to obtain a license. The Commission advised the Administrator to draft a letter for the members to approve, calling attention to Mr. Esposito that a license will be required if the corporation starts operating as a real estate firm.

(2) Belle Haven Realty Company - Another check was made of the Belle Haven Realty Company, a foreign corporation, to see whether this corporation was within the jurisdiction of this Commission. The Treasurer of the Territory of Hawaii permitted this corporation to do business in the Territory of Hawaii on June 1, 1953. The express purpose of this corporation, as stated in its articles, is to lease Steiner's Estate in Waikiki

for 55 years in order to erect a first-class hotel and to operate other related activities concerning this hotel. Therefore, Belle Haven Realty Company is not in the real estate business. The members agreed that the activities of the Belle Haven Realty Company are not within the jurisdiction of this Commission upon the facts presented by the Administrator after a thorough investigation.

Inspection of Brokers' Offices

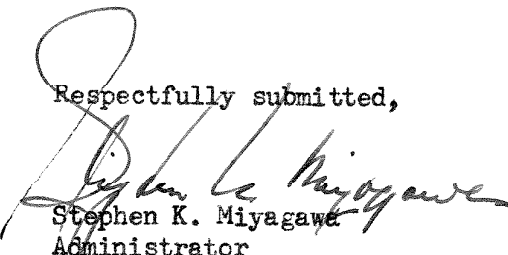
The Administrator circulated the attached inspection report sheet which the office has been using in checking brokers' offices for violations of the real estate licensing statutes and its rules and regulations. The following offices were visited and noted for violations:

<u>Name</u>	<u>Violation</u>
(a) Donald Umemoto	none
(b) Philippine Investment Company	none
(c) City Realty Company	none
(d) Wendell Brooks	none
(e) William Lee Kwai	none
(f) U. Taira	none
(g) Yukio Kashiwa	none
(h) Charles C. Char	none
(i) Arthur K. Y. Zane	none
(j) Robert T. Lee	none
(k) John Haili	none
(l) Raymond Y. Nikaido	none
(m) Clifford Stark	none

The Administrator will continue to give spot checks of all real estate brokers' offices from time to time.

There being no further business to conduct, the meeting was adjourned at 9:50 a.m.

Respectfully submitted,


Stephen K. Miyagawa
Administrator

SKM:etk