

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

July 16, 1954, at the office of Eaton H. Magoon, Chairman, 910 Alakea Street, Honolulu, Hawaii.

Present:

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

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 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

Results of Broker's Examinations

A total of 31 applicants took the broker's examination on June 19, 1954, out of which 5 actually qualified by attaining the minimum passing grade of 85% and above, 4 made borderline grades, and 22 failed to qualify. Mr. Odom made a motion that the Commission approve acceptance of the 5 applicants who qualified and also the 4 applicants who made borderline grades, subject to an oral briefing by the Administrator, and notify all applicants who failed to qualify in the written examination. Motion was seconded by Mr. Yamamoto and unanimously carried.

The following applicants successfully passed the broker's examination:

	<u>Name</u>	<u>Grade</u>
1.	Lloyd C. Char	89.59
2.	Ayau Lum	89.18
3.	Robert Y. Oda	88.34
4.	R. R. Bode	85.82
5.	Masato Tojo	85.34

The following made borderline grades:

	<u>Name</u>	<u>Grade</u>
1.	Warren H. Y. Yue	82.75
2.	Philip A. Voto	82.52
3.	Lilyan S. Fujii	82.34
4.	Walter B. Moreira	81.11

The following applicants failed to qualify in the broker's examination:

<u>Name</u>	<u>Grade</u>
1. Emil V. Carreira	78.59
2. Kwai Chan Look	78.43
3. Charles B. L. Pang	78.18
4. Charles I. H. Yang	77.77
5. Harold G. Nishihara	77.50
6. Denis G. McAvoy	76.84
7. Ira K. Hutchinson	76.00
8. Lyle C. Vincent	75.59
9. James S. Sakamoto	74.27
10. Haruto Tanabe	74.44
11. Eric W. Rabe	74.25
12. Helen McLennan	70.43
13. Pauline McLaughlin	69.59
14. Seisuke Niino	69.45
15. Tom, Ayako	68.57
16. Arthur L. Schmidt	68.27
17. James A. Dwight	66.59
18. Koojin Goya	66.25
19. Severino G. Alipio	65.10
20. Yoshio Maida	64.93
21. Frank T. Ishii	63.59
22. Harrison H. N. Chong	62.09

Results of Salesmen's Examinations

A total of 84 applicants took the salesman's examination, out of which 40 applicants made a passing grade of 75 points and above, one made a borderline grade, and 43 applicants failed to qualify in the examination. The Administrator pointed out that in a routine investigation of the applicants, it was revealed that there was an unfavorable credit record against Mrs. Frances G. Fitch, who had successfully passed the salesman's examination.

After a thorough review of all the examination papers, Mr. Odom moved to accept all passing applicants, including Mr. Harry Y. W. Wong, who made a borderline grade of 74.87, and to notify applicants who failed to qualify. Motion was seconded by Mr. Yamamoto, and unanimously carried. In the case of Mrs. Fitch, it was unanimously decided that the Administrator interview her and determine for himself whether or not she should be granted a salesman's license. It was further decided that a letter of commendation be sent to all applicants who made 90 points and above, without revealing the grades that they made.

The following applicants successfully passed and approved for a salesman's license:

	<u>Name</u>	<u>Grade</u>
1.	Mary Ann Nevels	94.04
2.	Luman N. Nevels, Jr.	93.50
3.	Edwin W. Sutton, Jr.	93.00
4.	Lester S. Powell, Jr.	92.00
5.	Fred L. Young	89.84
6.	Harriet Gega	89.35
7.	Herbert H. Hirano	88.12
8.	Miyoko Yagi	86.75
9.	Ellery J. Chun	85.37
10.	John F. Bucca	85.27
11.	Robert H. Corbett	85.24
12.	Thomas M. Miura	85.02
13.	Harry C. Bertain	85.00
14.	Frances G. Fitch	84.75
15.	Dai Chong Ching	84.62
16.	Harold Hicks	84.51
17.	Edward M. Nakamura	84.09
18.	Winifred F. Lee	84.09
19.	Torkel Westley	83.60
20.	Lloyd P. Carlos	83.34
21.	Beatrice A. Lewis	83.17
22.	Rose Gustetter	82.84
23.	Josephine Hudson	82.84
24.	William T. Hara	82.74
25.	Lawrence Samson	82.00
26.	Masuo Moriwaki	80.84
27.	Charles K. Hamane	80.67
28.	Warland D. Kealoha	80.61
29.	Junita S. Alipio	80.35
30.	Kiyoyuki Yamashita	80.35
31.	Emma L. Tom	80.25
32.	Kenneth K. Tome	80.04
33.	Carwith J. Roache	79.75
34.	James H. Fujioka	79.50
35.	John C. Hearn	79.24
36.	Douglas Sodehani	78.52
37.	Mary S. Royce	78.26
38.	Louis L. McRae	77.41
39.	William S. Marshall	75.50
40.	Wah Tim Lau	75.44
41.	Harry Y. W. Wong	74.87

The following applicants failed to qualify in the salesman's examination:

The following applicants failed to qualify (cont'd.)

<u>Name</u>	<u>Grade</u>
1. Francis J. Camara	73.62
2. Herbert T. Ikazaki	73.48
3. R. A. Craw, Jr.	72.54
4. Aloysius Y. C. Tom	72.43
5. Robert M. Oshima	72.27
6. Tomometsu Kuwana	71.75
7. Michael T. Scarfone	71.61
8. Ernest A. Poss	71.52
9. Nathalie D. McAvoy	71.50
10. George Niimi	71.36
11. Hisao Nagahisa	71.27
12. Benjamin B. Wong	70.52
13. Joseph Garcia	70.27
14. Joseph K. Camacho	69.67
15. Jerry E. Sheeley	69.52
16. Shigeo Hanzawa	69.35
17. Iwao Okimura	69.12
18. Mary P. Powell	69.09
19. Emma H. Hayashida	68.84
20. Richard H. Sasaki	68.84
21. Thomas N. Y. Leau	68.11
22. Frederick H. T. Fong	67.68
23. Nancy G. Harlocker	67.50
24. James P. Ferry	66.91
25. Edmund K. M. Leong	66.76
26. Jack S. Kaguni	66.68
27. David F. Lee	66.62
28. Harry S. Tsuha	66.42
29. Elizabeth K. Heen	66.25
30. Pedro Estamago	64.77
31. Harry Y. H. Kim	64.15
32. Gordon M. Wilkinson	63.94
33. Hubert Yee	61.00
34. Hiroshi Aburamen	60.29
35. Gustaf C. Pearson	59.62
36. Alvin B. Cargile	54.59
37. Richard S. Furukawa	54.36
38. Nicholas A. Akana	52.43
39. Ernest N. Takahashi	48.28
40. Ethel C. Lactaon	48.28
41. Evelyn A. Wilkinson	45.25
42. Betty Lou Nobriga	44.10
43. Pearl N. McGregor	41.18

Reinstatement Request by
Blas G. Batoon

On July 6, 1954, Mr. Batoon requested by letter that his forfeited salesman's license be reinstated and paid the required \$25.00 reinstatement

City and County Attorney's
Legal Opinion on Subdivision

In a letter dated May 12, 1954, this Commission had requested an opinion from the City Planning Commission whether the Provisional Sales Agreement executed between the Bishop Trust Company, Ltd., and Mr. John K. Poncey was within the meaning and intent of Section 6642, Chapter 127, Revised Laws of Hawaii, 1945, as amended 1949 (subdivision laws).

In a reply dated June 23, 1954, the City Planning Commission forwarded an opinion rendered by the City and County Attorney's office, citing the above sales agreement in violation of Section 6642. The City Planning Commission further requested this Commission to notify all salesmen and brokers regarding the statutory requirements and/or Subdivision Rules and Regulations regarding the sale of lots in subdivisions prior to the approval of the Commission. (see copy of opinion attached)

After some discussion, it was recommended by the members that the licensees be again cautioned on the above ruling by sending out a circular letter towards the end of the year. It was further suggested by the chairman that at the next meeting the Administrator present for study all materials pertaining to the enforcement of the subdivision laws of the Territory of Hawaii.

Rental Charge by Department of Public Works

It was reported by the Administrator that to date no reply has been received to our communications dated June 28, 1954, calling the attention of the Department of Public Works that under the provisions of Section 7735, Chapter 150, Revised Laws of Hawaii, as amended, the superintendent of public works is directed to provide office space to this Commission without any charge.

The Commission unanimously voted to defer this matter until a reply is received from the Department of Public Works.

NALLO Convention

To date no reply has been received from the Governor's office approving our request to send two official delegates to attend the NALLO convention from November 3-6, 1954, in Cleveland, Ohio.

Hearings Scheduled for Following Cases

The Commission unanimously voted to schedule informal hearings for the following pending cases on Wednesday, July 28, 1954, starting at 9:00 a.m., in the Commission's office:

1. Case of David C. W. Au - request for reinstatement of his salesman's license which was revoked on 4/19/49.
2. Froilan B. Villalba - petition to seek the issuance of a real estate salesman's license to him.

3. Case of Richard K. Ho - Alleged violation of Section 7736, Chapter 150, Revised Laws of Hawaii, 1945, as amended. On 5/27/54, Mr. Richard K. Ho, broker, advertised fee simple 3-bedroom homes under the corporation of Valu-Bilt Homes, Ltd. The Commission questioned the advertisement of fee simple lands by a corporation not licensed by this Commission.
4. Case of Modesto Dumlao vs. Juan P. Canada, Broker - This complaint arose because of the failure on the broker's part to properly execute in writing the extension agreement between Modesto Dumlao and Cenon Galicia. Mr. Canada as a broker should be strongly cautioned against such recurrence.

Old and New Cases Disposed of

1. Case of Thomas B. Miles - The Commission unanimously cited Mr. Miles for violation of Rule 13, Rules and Regulations of the Real Estate License Commission, for his failure to notify his status as a real estate salesman within ten days. His license will be placed in the inactive files and as of this date the Commission forbids him to participate or deal in any real estate transactions until he is again employed by a broker.
2. Case of Fred S. Koki, Salesman - Mr. J. S. Carrilho, broker, alleged Mr. Koki of violation of Rule 8, Rules and Regulations of the Real Estate License Commission and released him from his employment as a salesman. Upon investigation, it was determined that Mr. Koki had purchased this property and was merely trying to sell it because he was unable to finance it. The Commission unanimously voted to close this matter as it was determined there was no violation of our laws.
3. Case of Karl Bornhorst vs. J. S. Perry, Broker - Mr. Bornhorst filed a complaint with the Commission, alleging Mr. Perry had failed to account for rental monies deposited with him as agent for Mr. Louis Fernandez. Mr. Perry came to this Commission and explained to the Administrator the details of the case and substantiated his statement by submitting photostatic copies of his office records. The Commission unanimously ruled that there has been no violation of the real estate license laws by Mr. Perry and directed the Administrator to advise both Mr. Bornhorst and Mr. Perry the findings of this Commission. (Refer to J. S. Perry's files for further details) Case closed.

4. Case of Stanley Viveiros vs. George K. Tanaka, Broker - Mr. Viveiros complained to the Commission that he highly disapproved of Mr. Tanaka's business methods and attitudes towards his mother in an attempt to secure a listing of her property. The Commission reviewed the case and unanimously voted that Mr. Tanaka's attitude was unbecoming of a real estate broker. The Administrator was requested to write a letter of reprimand to Mr. Tanaka and caution him to use more tact and diplomacy in his future real estate dealings with the public. (Refer to Mr. George K. Tanaka's file for further details) Case closed.
5. Case of Lucile Bunn, Broker - On June 6, 1954, the Honolulu Advertiser ran a real estate ad inserted by Mrs. Lucile Bunn, broker:

"A Hillside View Home - 1614 Bertram St., St. Louis Hgts.

2 bedrooms, 1 bath; opportunity in basement for extra unit. 6,000 sq. ft. Fee simple lot.

Lucile Bunn, Broker.....78765

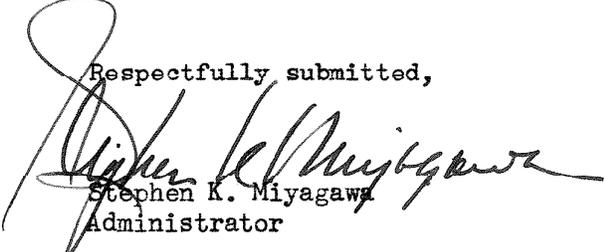
Mrs. Moodie, Saleswoman....97024"

The Administrator reported that the above ad showed negligence on the part of the broker by giving an impression to the public that an extra unit is possible in an A-zone. The Commission unanimously voted that the ad was misleading and instructed the Administrator to caution Mrs. Bunn that in all her future advertisements she should check thoroughly with the proper authorities before making any representations to the public. Case closed.

6. Case of Thomas Y. Yoon - In a routine investigation, it was found Mr. Yoon had left the Territory approximately a month ago without first appointing a licensed broker to supervise his office during his absence. The Commission unanimously cited Mr. Yoon for violation of Rule 6, Rules and Regulations of the Real Estate License Commission.

The Commission directed the Administrator to write to Mr. Yoon immediately and require him to appoint a broker-in-charge of the office until his return to the Territory. (see attached investigation report on Mr. Yoon)

Respectfully submitted,


Stephen K. Miyagawa
Administrator