

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

August 17, 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

Absent: Stephen K. Miyagawa, Administra or

A special meeting of the Real Estate License Commission of the Territory of Hawaii was called to order by Eaton H. Magoon, Chairman, at 9:00 a.m., in his office at 910 Alakea Street, Honolulu, Hawaii. 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

Review of Examination Questions  
for Real Estate Broker's License

Mr. Magoon, Chairman, explained to the members that he had called this special meeting to review our examination questions. He had received reports that some of the questions were too "legal". Our examination questions should be objective and not contain double meanings which could be answered in the affirmative or negative. The broker's examination given on June 19, 1954 (Section I. Discussions) was reviewed and the following questions were found to be questionable:

- (1) Under the real estate laws of the Territory, what two things must a corporation contemplating entering the real estate brokerage business do before the corporation could legally represent a person in a real estate transaction?

Comments: Question should be reworded - "corporation contemplating entering the real estate brokerage business" is confusing. The question should be direct - What the corporation must do before they can actually enter into the real estate business.

- (2) Explain the correctness or incorrectness of the following statement: "A widow should always claim for her dower rights if her husband was a joint tenant, co-owner of a real property."

Comments: Sounds like two questions - joint tenant and co-owner of a real property. Why not simply ask:  
What is joint tenancy?  
What is tenancy by the entirety?  
What is tenancy in common?  
What is a leasehold?

- (3) Liens on realty could be removed by execution and recording of a quit-claim deed. Is this statement correct? Explain your answer fully.

Comments: Question could be reworded a little better.

- (4) Explain the statutory requirements and procedures to reinstate a suspended license, a revoked license and a forfeited license.

Comments: Above question is okay; however, it could be more direct and explicit by asking:  
What is the fee for a revoked license?  
What is the fee for reinstating a license?  
What is a salesman's license fee, etc.

- (9) Who benefits by the acceleration of maturity clause in a mortgage instrument? Explain fully.

Comments: Mr. Magoon questions "acceleration of maturity."  
Okay with Mr. Odom and Mr. Yamamoto.

- (12) Distinguish between an abstract of title and a certificate of title.

Comments: Could be reworded by asking directly:

What is an Abstract of Title?  
What is Certificate of Title?  
What is Land Court Certificate of Title?

- (15) In an emergency, a real estate agent signed for an undisclosed principal to purchase a described real property. Is this contract binding on the principal? If the contract is not binding, what legal steps are necessary to make the contract binding?

Comments: Okay with Mr. Odom. Mr. Yamamoto would go along with the question if the word "undisclosed" is taken out. Mr. Magoon suggested rewording the question.

- (20) In any real estate transaction, is implied acceptance sufficient to bind the parties to a contract? Explain fully.

Comments: The word "implied" is questioned.

- (26) How do chattel mortgages and conditional sale contract on personalty

affect a real estate sale where the cost of the realty and personalty is combined into one price and a contract is executed. Example: Consideration of \$16,500 for a three-bedroom house furnished as per attached inventory.

Comments: Ambiguous - reword question.

The members unanimously agreed to go over these questions with the Administrator upon his return from California. Mr. Magoon suggested that Mr. Odom and Mr. Yamamoto schedule another meeting very soon to go over the salesman's examination. (See attached broker's examination)

#### Brokerage Application

Evelyn M. Yoshino, broker, doing business as Business Realty Mart, filed an application for a brokerage license to do real estate business under Business Realty Mart, Ltd., at 1341 Young Street, Honolulu, T. H. The corporation also requested at the same time permission to establish a branch office at Room 204, Watumull Building, 1166 Fort Street, Honolulu, T. H.

After checking that everything was in order and the corporation had met all the requirements, Mr. Odom moved, seconded by Mr. Yamamoto, and unanimously carried that approval be granted for issuance of a brokerage license and a branch office license upon remittance of the required fees.

#### Reinstatement Requests

The following applicants have petitioned this Commission to request reinstatement of their forfeited licenses:

1. Peter K. Mitsumori, salesman
2. S. Mizuha, broker

A routine investigation revealed no derogatory records against them, and they have met the other statutory requirements. It was moved by Mr. Odom, seconded by Mr. Yamamoto and unanimously carried that the reinstatement requests be approved.

#### Budget Report for the Biennium 1955-57

The biennium budget estimates for 1955-57 were presented to the Commission members as requested by the Bureau of the Budget, in accordance with Section 1627 of the Revised Laws of Hawaii 1945. The members unanimously approved the budget report as part of this record.

#### Commission Financial Report

The financial report for the month of July was reported as follows:

Expenditures for the month of July 1954 (payroll).....	\$ 959.81
Fees Collected in July 1954.....	\$ 1,116.75
Balance in Special Fund as of July 31, 1954.....	\$21,536.97

The above report was unanimously accepted by the members as presented.

Approval of Renewal Notice Form Letters  
to Brokers, Brokerages, and Salesmen

Rough drafts of renewal form letters to send out to all salesmen, brokers, and brokerages to remind them to remit their renewal fees for 1955 were presented to the members for their approval. Mr. Magoon, Chairman, appointed Mr. Odom to check on the form letters.

Case of Charles Ford & Associates  
of the West, Inc.

The present status of Charles Ford & Associates of the West, Inc., a foreign brokerage corporation, was brought up for discussion. It was unanimously voted that Mr. Miyagawa, Administrator, be requested to check on this firm and report his findings immediately to this Commission upon his return from the mainland. Mr. Magoon reported that according to the NALLO Bulletin, New York has revoked the license of Charles Ford & Associates of the East, Inc. This Commission should likewise check into the activities of Charles Ford & Associates of the West, Inc.

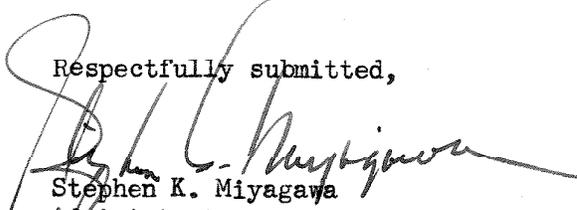
Island Development Co., Ltd.  
Sale of One Square Inch Parcel of Land  
in the Territory of Hawaii

This Commission sent out a circular letter to all NALLO officials in the various States to get their opinion of the latest scheme of selling one-square-inch parcels of land in the Territory of Hawaii. The majority of the replies received thus far shares the same opinion that it is nothing but a gimmick or a get-rich-quick scheme and should be curbed in its bud. The Commission decided to mimeograph all the replies into a booklet to present at the coming NALLO Convention to be held in Cleveland, Ohio, November 3-6, 1954. (see attached circular letter)

Adjournment

There being no further business to discuss, the meeting was adjourned at 10:45 a.m.

Respectfully submitted,

  
Stephen K. Miyagawa  
Administrator