

REAL ESTATE COMMISSION
Professional & Vocational Licensing Division
Department of Regulatory Agencies
State of Hawaii

MINUTES OF MEETING

Date: Friday, March 28, 1980

Place: Board Room, Kamamalu Building
1010 Richards Street, Honolulu, Hawaii

Present: Ah Kau Young, Chairman
Edwin H. Shiroma, Vice Chairman
Tadayoshi Ishizu, Member
Toru Kawakami, Member
G. A. "Red" Morris, Member
John M. Urner, Member
Gregg Yamanaka, Member
Ralph S. Yagi, Member

Donald D. H. Ching, Deputy Director
Randall Y. Iwase, Deputy Attorney General
Melvin Nishimoto, " " "
Sandy Holck, Real Estate Education Specialist
Yukio Higuchi, Executive Secretary
Saeko Whang, Secretary

John Spalding, President, RESAH
Pearl A. Nagatori, Applicant for Real Estate
Salesman License
Jacqueline F. Hirsch, Applicant for Broker Exam
Randolph Teruya, Applicant for Real Estate
Salesman License
Mary Shern, Instructor, Mary Shern School of R.E.
Richard Lee, representing Gwen S. Lee
Daniel T. Graham, p.b. of Graham Realty, Inc.

Absent: Francis N. Kauhane, Jr., Member

Call to Order: There being a quorum present, Chairman Ah Kau
Young called the meeting to order at 9:10 a.m.

The Executive Secretary apprised that the agenda
for today's meeting was duly filed on Monday,
March 24, 1980 at the Lt. Governor's office
in compliance with the Sunshine Law.

Minutes: Edwin Shiroma moved and Tadayoshi Ishizu
seconded to approve the minutes of February 29,
1980 as circulated. Motion carried unanimously.

Committee
Reports: Real Estate Education Advisory Council

Real Estate Education Specialist Report

Edwin Shiroma, Chairman of the Education
Committee, reported that its Ad Hoc Committee

met on March 5 to discuss the problem areas in the real estate industry. Other subjects discussed were the real estate seminar to be held in August, continuing education for inactive licensees and real estate research center.

Sandy Holck, Real Estate Education Specialist, reported that the seminar will be held on all neighbor islands and the object of this seminar will be in the problem area of broker management over its salespeople. The program of the seminar and cost of the project will be presented at the next meeting for its approval.

Holck added that Dean Bess was directed to submit far in advance for Commission's approval, the subject matters and what each future Chairholder should concentrate on.

Edwin Shiroma moved and Tadayoshi Ishizu seconded to request approval from the Director to send Sandy Holck to Ohio State after the RELE meeting in May to look over the real estate center to get ideas to formulate and initiate a research center in Hawaii.

Holck brought up the matter of the cost of printing the Consumers Guide on Condominium and was advised to check with G. A. "Red" Morris.

Laws & Rules Review Committee

Laws and Rules Review Committee Chairman Toru Kawakami reported that for the present there will be no public hearings on Chapter 20. It will have to be deferred inasmuch as legislative mandates to file rules and regulations with the Legislative Reference Bureau together with legal references. Executive Secretary apprised that the timetable for submission of the draft to the department is September 2.

Toru Kawakmai also reported that G. A. "Red" Morris, in behalf of the Commission, gave a good testimony on S.R. 189 in regards to the broker examination explaining the testimony by Attorney General, Antitrust Division, that were not answered and Commission's previous action on deferring adoption until Commission's real estate education specialist has had a chance to look into it.

Business Out
of Minutes:

Questionable Applications

Richard Dan, Applicant for Real Estate
Salesman License

Action on this matter was deferred as Dan failed to appear for conference.

Gwen S. Lee, Applicant for Real Estate
Salesman License

Following discussion, Ralph Yagi moved and Toru Kawakami seconded to approve application of Gwen Lee's real estate salesman license. Motion carried unanimously.

Randolph Teruya, Applicant for Real Estate
Salesman License

Randolph Teruya appeared in person to discuss his application.

Following the question and answer period, Ralph Yagi moved and Edwin Shiroma approved the application of Randolph Teruya's real estate salesman license. Motion carried unanimously.

Pearl A. Nagatoshi, Applicant for Real
Estate Salesman License

The Commission had deferred action on this matter to afford Pearl Nagatoshi to submit evidence of her activities for the past 7 years.

Following the question and answer period, Edwin Shiroma moved and Tadayoshi Ishizu seconded to approve Pearl Nagatoshi's real estate salesman license. Motion carried unanimously.

Jacqueline F. Hirsch, Applicant for April 5
1980 Broker Examination

Jacqueline Hirsch was present to discuss the matter of her denial to sit for the broker examination in April.

After the question and answer period, Hirsch was requested to substantiate that she was gainfully employed by submitting a copy of her employment record signed and notarized by her principal broker by this afternoon.

Approximately at 3:00 p.m., Jacqueline Hirsch arrived with the requested documents. Edwin Shiroma moved and Ralph Yagi seconded to allow Hirsch to sit for the April 5 broker examination. Motion carried unanimously.

Examination Result of Katherine L. Hawkins

Executive Session:

Edwin Shiroma moved and Toru Kawakami seconded to go into executive session at 9:47 a.m., to discuss the matter of Katherine Hawkins with Deputy Attorney General Melvin Nishimoto. Motion carried unanimously.

Out of Executive Session:

At 10:30 a.m., Edwin Shiroma moved and Toru Kawakami seconded to go out of executive session and into regular session. Motion carried unanimously.

Following discussion, Edwin Shiroma moved and Tadayoshi Ishizu seconded to accept and issue the salesman examination score of Katherine Hawkins subject to favorable settlement between the Commission and her. Motion carried unanimously.

RE-79-143 Laurence L. Haman and Jeanette K. Hines

No action was required on this matter inasmuch as there was no change of action from that of last month.

RE-79-202 Tom Schmidt Realtors

Executive Secretary requested that reconsideration be given on this complaint and, if decision is still to dismiss, a warning letter be sent to Tom Schmidt to notify him that he should find a broker who resides in Kona.

Following discussion, Edwin Shiroma moved and Toru Kawakami seconded to send Tom Schmidt a letter of recommendation that he get someone who resides in Kona to be the broker-in-charge who will be readily available on a regular basis and quote Rule 1.3(n). Also, to notify that he must identify himself as a salesman or Realtor Associate on his business card. Motion carried unanimously.

Investigations:RE-78-151 Aloha Realty

Edwin Shiroma moved and Tadayoshi Ishizu seconded to accept the recommendation of Complaint Review Committee for further investigation to determine whether in fact Ching had told Queen Escrow that she was Wilten's broker and that they were not to give Wiltens any information on the status of the transaction. Also determine how incomplete the loan commitment from Amfac was. (Get copy of Amfac loan commitment.) Also determine (1) why the Wiltens were not informed about the Amfac commitment prior to submittal to Queen Escrow, (2) why Queen Escrow refused to indicate to Wiltens they had given the Amfac commitment to Ching. Motion carried unanimously.

RE-79-135 Schrader Realty, Inc.

Following discussion, Ralph Yagi moved and Toru Kawakami seconded to notify Complainant that Commission received word that Schrader will make records available to a neutral auditor and wishes to be released of responsibility. If the Ass'n of Apartment Owners will select a CPA or PA who will do the work, the records will be turned over to them. Motion carried unanimously.

RE-79-155 John C. Cosson and Dennis W. Noe

Edwin Shiroma moved and Ralph Yagi seconded to dismiss complaint on the basis that investigation failed to turn up sufficient evidence of any violation of our real estate license law or the Commission's rules and regulations. Motion carried unanimously.

RE-79-86 Sam Daily Realty, Inc.

No action was required on this matter inasmuch as it was closed at the January meeting.

RE-79-188 Thomas C. Hajny

Ralph Yagi moved and Edwin Shiroma seconded to accept Complaint Review Committee's recommendation to proceed to a formal hearing for possible violation of Rule 1.3(b), for failure to ascertain that 27 parking stalls had been allocated to Honolulu Freight Service, Inc. under a separate base agreement, which led the Complainant to believe that he would have the use of 3 parking stalls fronting the space leased by Complainant. Motion carried unanimously.

RE-79-189 Jenny Cherin and Paul Pellerin

Edwin Shiroma moved and Tadayoshi Ishizu seconded to adopt Complaint Review Committee's recommendation to hold a formal hearing for possible misrepresentation and possible fraud. Motion carried unanimously.

RE-80-4 Albert K. Tseu

Tadayoshi Ishizu moved and Ralph Yagi seconded to accept the recommendation of Complaint Review Committee to send a letter of warning for alleged violation of Rule 1.3(g), on the basis of the gravity of the alleged violation does not warrant a formal hearing. Motion carried unanimously.

RE-80-18 Kauai Land Trading, Ltd.

Edward Shiroma moved and Toru Kawakami seconded that in the case such as this when an applicant advertises prior to receiving actual approval from the Commission, the policy decision is that a warning memo would be attached to application form. For this case, applicant should not have advertised and he be notified that he was in technical violation. Motion carried unanimously.

CON-79-18 E. Y. F. Development, Inc.

Following discussion, Toru Kawakami moved and Ralph Yagi seconded to accept the recommendation of the Complaint Review Committee that Commission review the proposals of Wataoka to resolve the 5 items over which the Commission may have jurisdiction under HPR Act. Further recommend approval proposal of 1 to 3. As to proposals 4 and 5, request sending an investigator back to check whether the association has accepted the settlement offer. Edwin Shiroma abstained from voting due to possible conflict of interest. Motion carried.

New Business:

LICENSING

Executive Secretary apprised that he has talked to the licensing staff what kind of items the staff can handle administratively. Response was that they can handle everything with the exception of restorations of forfeited licenses and where applicants ask for hearing for failure to file within the one year period.

Toru Kawakami moved and Edwin Shiroma seconded to give Executive Secretary and staff authorization to approve applications subject to applicant being notified that the final approval will be at the Commission's meeting and that the Commission has the right to rescind staff action. Motion carried unanimously.

Corporation

Advantage Realty, Inc. - 1833 Kalakaua Ave.,
Naomi F. Damo, pb #502, Hon.

H & M Andrade, Inc. - Amer. Sec. Bank Bldg.
1314 S. King St., #1461, Hon.
Harold D. Andrade, pb

Astra Pacific International Inc., dba Astra
Pacific International Realty - 75-721 Alii Dr.
Typ L. Lawrence, pb #284, KK

Pat Ayers & Associates, Inc. - 1415 Dillingham
Patrick H. Ayers, pb Blvd., #206, Hon.

Penny Bradley, Ltd. - 733 Bishop St., #1915
Penny Bradley, pb Hon.

Budget Builders, Inc. - 33 Lono Ave., #240,
Richard L. Ball, pb Kahului

Commercial Brokerage Corporation - 1315 S. King
James W. Dean, pb St., #625, Hon.

Dotte Davis Realty, Inc. - 2435 Kaanapali Prkwy
Dotte Davis, pb #A-2, Lahaina

Dragon Realty, Inc. - 130 Merchant St.,
Larry T. Y. Shih, pb #1020, Hon.

The Exchange Group Realty & Investment, Ltd. -
1077 Bishop St., #232, Hon.
L. N. Hooker, pb

Buddy Gendrano Realty, Inc. - 2828 Paa St.,
Brigido A. Gendrano, pb #3075, Hon.

Bruce J. Hansen Realty, Inc. - 1778 Ala Moana
Bruce J. Hansen, pb Blvd., Hon.

Hawaii/San Francisco Development Corporation -
925 Bethel St., #202, Hon.
Christopher G. Pablo, pb

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John M. Hayama, Inc. - 98-211 Pali Momi St.,
John M. Hayama, pb #520, Aiea

Holiday Development Corporation - 1152 Bishop St.
Ching Do Kim, pb 8th Flr, Hon.

Jardine Real Estate, Ltd. - P. O. Box 696
William S. Jardine, pb Kamuela

Jacqueline G. Jones, Inc. - 4319 Kilauea Ave.
Jacqueline G. Jones, pb Hon.

Nina Kamai Property Management, Inc. - 1400
Kapiolani Blvd., #B47, Hon.
Nina M. Kamai, pb

Kauai Vacation Rentals & Real Estate, Inc. -
4480 Ahukini Rd., #5, Lihue
Clare Miller, pb

Kona Hawaiian Lands, Ltd. - 75-5663J Palani Rd.,
Joachin Titolo, pb KK

Lezel Corporation - 4480 Ahukini Rd., #8, Lihue
Paul C. Andrus, pb

Donald Lowther Associates, Ltd. - 1933 S. Kihei
Donald E. Lowther, pb Rd. #202, Kihei

Lynette's Inc. - 910 Honoapiilani Hwy, Lahaina
Shimaye L. Yamauchi, pb

Chlois McCarter, Inc. - 733 Bishop St., #1915
Chlois McCarter, pb Hon.

Rodney S. Mukai, Inc. - 1339 Hunakai St., Hon.
Rodney S. Mukai, pb

Quest Properties, Inc. - 735 Bishop St., #438
James Leavitt, pb Hon.

Redevco Properties, Inc. - 190 S. King St.,
Richard E. Fahrenwald, pb #1816, Hon.

Sunwater, Ltd. - 250 S. Hotel St., 2nd Flr,
Anne H. Rediske, pb Auditorium, Hon.

Tilco Realty, Inc. - 444 Hobron Ln. #417, Hon.
Charles R. Tiller, pb

The Wilart Corporation - 733 Bishop St., #2600
Wilmer C. Morris, pb Hon.

Pat Will Realty, Inc. - 733 Bishop St., #1915
Teresa A. Mueller, pb Hon.

Wong & Associates, A Real Estate Corporation -
841 Bishop St., #1925, Hon.
Jeffrey C. D. Wong, pb

Toru Kawakami moved and Edwin Shiroma seconded to approve the above-listed corporations subject to meeting all licensing requirements. H & M Andrade, Inc. and Pat Will Realty, Inc. are approved conditionally. Motion carried unanimously.

Partnership

Crockett & Childs dba Century 21-Associated Realty - 75-5665 Kuakini Hwy, Kailua-Kona
William J. Crockett, pb

J.W. Realty - 190 S. King St., #2305, Hon.
William J. Yarbrough, pb

Toru Kawakami moved and Tadayoshi Ishizu seconded to approve the above-listed applications for partnership licenses subject to meeting all licensing requirements. Motion carried unanimously.

Branch Office

Bali Hai Realty, Inc. - 2827 Poipu Rd., Koloa
James R. Buckley, bic

Hale Koa Realty, Inc. - 6650 Hawaii Kai Dr.,
John Rash, bic #102, Hon.

Mike McCormack Realtors, A Div. of McCormack Hawaii, Ltd. - 66-165 Kam Hwy Shop #3, Haleiwa
Marianne Abrigo, bic Shp Plaza, Haleiwa

Mike McCormack Realtors, A Div. of McCormack Hawaii, Ltd. - Koloa Rd., Koloa, HI
Laurence L. Haman, bic

Wilson-Gray & Associates, Inc. - 2570 Kalakaua Ave., Hon.
Mary A. Gertz, bic

Toru Kawakami moved and Ralph Yagi seconded to approve the above listed branch office applications; however, Mike McCormack may not use the word "Realtors". Motion carried unanimously.

Tradenname

Mel Ayau Realty - Melvin K. Ayau, dba

Century 21 Aloha Kauai - Nelson K. Hardenbergh,
dba

Frey & Co. - Carl M. Frey, dba

CS Realty - Guy J. Seu, dba

Interpacific Properties - Jacques J. H. VanBelle,
dba

JP & Associates - John P. Haraguchi, dba

Kamuela Realty - Sandra L. Bergmann, dba

J. Nowell Realty - Jack H. Nowell, dba

RSC - Realty Specialists Corporation, dba

Kenneth Sakai Realty - Kenneth Sakai, dba

Sun Realty - Thomas T. M. Ho, dba

Edwin Shiroma moved and Toru Kawakami
seconded to approve the above applications
for tradenames. Motion carried unanimously.

Corporate Name Change

GCR, Inc. (formerly Gold Coast Realty, Inc.)

JW Investments, Ltd. (formerly JW Realty Corp.)

Palisades Properties, Inc. (formerly Palisades
Management, Inc.)

Michael Spalding Land Company, Ltd. (formerly
Michael Spalding Realty, Ltd.)

Wagner & Wagner, Inc. (formerly Wagner
Investments, Inc.)

Toru Kawakami moved and Ralph Yagi seconded
to approve the above applications for
corporate name change subject to check on
Wagner only. Motion carried unanimously.

Restoration (past 2 years)

William H. Page

Ralph Yagi moved and Edwin Shiroma seconded to approve William Page's application for restoration of his real estate salesman license. Motion carried unanimously.

Alvin K. H. Pang

As requested, Edwin Shiroma moved and Tadayoshi Ishizu seconded to add this matter to the agenda in compliance with the Sunshine Law. Motion carried unanimously.

Edwin Shiroma moved and Ralph Yagi seconded to approve Alvin Pang's application for restoration of his real estate broker license. Motion carried unanimously.

License Application - late filing

Richard C. Johnson (s)

G. A. "Red" Morris moved and Toru Kawakami seconded to approve Richard Johnson's application for real estate salesman license. Motion carried unanimously.

Scott B. Gomes (s)

G. A. "Red" Morris moved and Toru Kawakami seconded to approve Scott Gomes' application for real estate salesman license. Motion carried unanimously.

Helen C. Leonard (s)

Edwin Shiroma moved and Toru Kawakami seconded to approve Helen Leonard's application for real estate salesman's license. Motion carried unanimously.

Miscellaneous:

Letter from Avery H. Youn

Avery Youn, County Planning Director on Kauai, wrote Commission requesting an exception from retaking the real estate salesman exam.

After discussion, it was moved by G. A. "Red" Morris, seconded by Toru Kawakami that Youn be notified that should he apply, the Commission will consider his request for an exception. Motion carried unanimously.

Contents of Investigation Reports (Prior record of Respondent)

Inasmuch as one of our Commissioners felt strongly on this matter, discussion was held on whether or not it is possible to ask the investigators, as part of the investigation, to add prior cases and its disposition in the investigation reports.

Executive Secretary was requested to communicate with Dan Lee, Complaints Officer, on this matter.

Presentation of Real Estate Education Matters by Mary Shern

Mary Shern was present to request guidelines on her revision of prelicense courses for home study course. In essence, Shern would like to offer the home study courses to anybody and to remove all restrictions.

Following discussion, the general consensus was to refer this matter to the Education Committee for review.

Date of Next

Friday, April 25, 1980, at 9:00 a.m.
Board Room, Kamamalu Building
1010 Richards St., Honolulu, Hawaii

Adjournment:

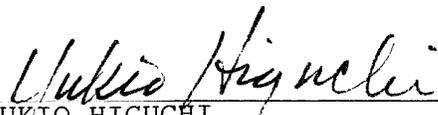
There being no other business to transact, Chairman Young declared the meeting adjourned at 4:35 p.m.

Taken and recorded by:



Saeko Whang, Secretary

APPROVED:



YUKIO HIGUCHI
Executive Secretary