

REAL ESTATE COMMISSION  
Professional & Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

MINUTES OF MEETING

Date: Friday, October 28, 1983

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

Present: G. A. "Red" Morris, Chairman  
Edwin H. Shiroma, Vice Chairman  
Joseph F. Blanco, Member  
Gloria J. Damron, Member  
Toru Kawakami, Member  
Constance Smales, Member  
Yukio Takeya, Member  
Ralph S. Yagi, Member  
Gregg T. Yamanaka, Member

Janice B. Sevilla, Education Officer  
Glenn M. Adachi, Executive Secretary  
Saeko Whang, Secretary

Sheila Lau, Director, SBMP, Univ. of Hawaii  
Virginia Lea Crandall, Hearings Officer  
Rodney A. Maile, Staff Attorney for DCCA/RICO  
Calvin Ontai, Respondent

Call to Order: The meeting was called to order by Chairman  
G. A. "Red" Morris at 9:20 a.m.

Notice of Meeting: The notice of meeting was filed with the Lt.  
Governor's office on October 24, 1983.

Minutes: Upon motion by Commissioner Shiroma, seconded  
by Commissioner Yagi, the Commission unanimously  
approved the minutes of September 30, 1983, as  
circulated.

Hearings Officer  
Report: Hearings Officer, Virginia Lea Crandall, summarized  
the following cases which were previously heard  
and for which findings of fact, conclusions of  
law and recommended orders were presented to  
the Commission for their review and action.

RE-80-81, RE-80-92 and RE-80-87 Realty Executives  
Hawaii, Inc. and Kenneth W. Harris, II

Commissioner Takeya abstained on this matter for  
possible conflict of interest.

Upon motion by Commissioner Shiroma, seconded by Commissioner Yagi, the Commission approved Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order that Respondents' licenses be revoked.

RE-81-10 Charles P. McClelland

Upon motion by Commissioner Yagi, seconded by Commissioner Damron, the Commission unanimously approved Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order for dismissal of the charges.

RE-LIC-83-32 Dale F. Clark

Upon motion by Commissioner Damron, seconded by Commissioner Blanco, the Commission unanimously approved Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order that the petition be granted.

RE-LIC-83-30 Liseby Walker

Walker had submitted a request for hearing for restoration of her salesman's license. Subsequently, her lawyer had submitted stipulation for dismissal of petition.

Commissioner Damron moved and Commissioner Blanco seconded to approve Hearings Officer's settlement agreement. Motion carried unanimously.

RE-82-111 Calvin Ontai

Calvin Ontai personally appeared to submit a letter requesting extension of the case in order that he may work on his exceptions. He requested 10-15 days.

Staff attorney Rod Maile objected to the extension and recommended Commission deny Ontai's request.

Following discussion, Commissioner Blanco moved and Commissioner Yamanaka seconded to grant Ontai 5 days - to November 2, 1983, 4:30 p.m. to file his exceptions. If he fails to file by the stated time, the Commission will accept the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order for suspension of his real estate salesman's license for one year. Motion carried unanimously.

RE-80-20, RE-80-123, RE-82-34, RE-82-35, RE-82-47,  
and RE-83-53 Mildred A. Lerous, Richard I. Blum,  
Lorna W. Lowe and Menefee Management Corporation

Upon motion by Commissioner Shiroma, seconded by Commissioner Blanco, the above matter was added to the agenda. Motion carried unanimously.

Upon motion by Commissioner Shiroma and seconded by Commissioner Yagi, the Commission unanimously moved to approve stipulation for dismissal for disciplinary action as it pertains to Lorna Lowe.

Committee Reports: Real Estate Education Committee Report

Education Officer Jan Sevilla reported on her activities for the month of October. A copy of her report was distributed to the Commissioners at the meeting.

RECCAL Classes

Upon motion by Commissioner Blanco and seconded by Commissioner Damron, the Commission unanimously approved the RECCAL locations and dates and modification of the Molokai licensees to be merged into the Maui RECCAL classes.

Instructor Workshop 1984

Commissioner Takeya moved and Commissioner Yagi seconded to grant approval of a 2-day instructor workshop, 2 mainland instructors and budget allotment of \$2,500 to Education Officer for teacher's training and development, dated March 21-22, 1984. Motion carried unanimously.

RECCAL Folders

Commissioner Blanco moved and Commissioner Takeya seconded to grant approval to purchase 1,000 binders at \$3.60 from GEBCO to be used for the RECCAL classes. Motion carried unanimously.

Real Estate Education Conference

After a lengthy discussion, Commissioner Blanco moved and Commissioner Shiroma seconded to go ahead with a 1-day conference with multiple concurrent sessions. Format will be discussed at a later date. Motion carried unanimously.

Investigation Survey

Commissioner Smales moved and Commissioner Blanco seconded that the Commission investigate 40% of the investigation reports that were dismissed for lack of jurisdiction/ambiguity. Motion carried unanimously.

Laws and Rules Review Committee Report

Upon motion by Commissioner Kawakami, seconded by Commissioner Takeya, the minutes of the Laws and Rules Committee meeting of October 27, 1983 was approved as circulated. Motion carried unanimously.

Professional and Vocational Licensing Division  
Policy on Delay in Issuance of License Upon  
Request by Applicant

Upon motion by Commissioner Shiroma, seconded by Commissioner Yagi the above item was added to the agenda. Motion carried unanimously.

The Professional & Vocational Licensing Division administrator had drafted Policy No. 1 and 2 in response to problems that real estate applicants have had during the last quarter of the even-numbered year when they are in a quandary as to whether they should pay the renewal for the salesman license or wait for the result of the broker exam and then pay the fee. The policy will answer the question on the procedure on how to handle this situation every second year in December.

The interpretation of the 90-day rules is equally applicable to applicants for salesman's license.

Commissioner Takeya moved and Commissioner Shiroma seconded to approve Policy No. 1 and 2 as circulated. Motion carried unanimously.

New Business:

LICENSING

Corporation

Kapalua Realty Company, Ltd., dba Kapalua  
Realty - 129 Bay Dr., Kapalua  
John Nettleship, pb

Ling Oi Investment, Incorporated - 1215 Hunakai  
Siu Sun Chu, pb St., #204, Hon.

Stanford Group, Inc. dba Stand ford Properties -  
905 Umi St., #206, Hon.  
Patrick H. Ayers, pb

Branch Office

R.E.O., Inc. - 28 1/2 Old Volcano Rd., Volcano  
Bruce E. O'Connor, bic

Tradenames

Berger's Realty - Johanna M. Berger, dba

Century 21 Kahala Hale - Virginia A. Epley-  
Sprinkle, dba

C. M. Gilliss - Charles M. Gilliss, dba

Bob Short Realty - Robert A. Short, dba

The Commission reviewed the list of new  
corporations, branch office, and tradenames  
for the month of October.

Restorations

Mary Frances Carter

Upon motion by Commissioner Takeya and  
seconded by Commissioner Blanco, the  
Commission unanimously denied Mary Frances  
Carter's salesman license but will allow  
her to sit for the licensing examination  
with waiver of the education requirement  
for one time only.

Avery H. Young

Toru Kawakami abstained for possible  
conflict of interest on this matter.

Upon motion by Commissioner Yagi, seconded  
by Commissioner Takeya, the Commission  
approved Avery Young's application for  
real estate salesman license.

Sandra Kay Young

Upon motion by Commissioner Yagi, seconded by Commissioner Blanco, the Commission unanimously denied Sandra Young's application for real estate salesman license but will allow her to take the licensing examination one time only with waiver of the education requirement.

Miscellaneous

Real Estate Recovery Fund Report

New Cases

For information purpose, a list of 6 new cases were distributed at the meeting.

Chairman Morris requested that Executive Secretary remind Sidney Ayabe, Real Estate Recovery Fund counsel to give the Commission an analysis of the cases for the News Bulletin.

Civil No. 72934 Shigemichi W. Tomei vs. Jerry R. Wong

Upon motion by Commissioner Shiroma, seconded by Commissioner Takeya, the above matter was added to the agenda. Motion carried unanimously.

Commission received a court order directing payment of \$10,000 to Shigemichi Tomei from the Real Estate Recovery Fund.

Commissioner Shiroma moved and Commissioner Yagi seconded to approve payment from the Recovery Fund. Motion carried unanimously.

Late Application

Sylve Ann Montalbo

Upon motion by Commissioner Blanco, seconded by Commissioner Takeya, the Commission unanimously denied the late filing of Sylve Ann Montalbo's real estate salesman application.

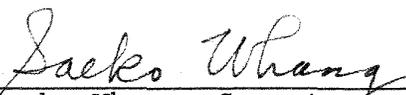
Next Meeting:

November 18, 1983  
Board Room, Kamamalu Building  
1010 Richards Street, Honolulu

Adjournment:

There being no further business to transact, the meeting was adjourned at 12:05 p.m.

Taken and recorded by:

  
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Saeko Whang, Secretary

APPROVED:

  
\_\_\_\_\_  
GLENN M. ADACHI  
Executive Secretary