

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

MINUTES OF MEETING

Date: Friday, June 27, 1980

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

Present: Edwin H. Shiroma, Acting Chairman  
Tadayoshi Ishizu, Member  
Toru Kawakami, Member  
John M. Urner, Member  
Ralph S. Yagi, Member  
Gregg Yamanaka, Member

Mike Chun, Assistant to Sandy Holck  
George Arine, Executive Secretary  
Yukio Higuchi, Executive Secretary  
Saeko Whang, Secretary

John Spalding, President, RESAH  
Gary Shigemura, Attorney for Clayton Tom  
Clayton Tom, Licensee  
Alexander McAngus, Applicant for real estate  
salesman license  
Shari Joanne Middleton, Applicant for real estate  
salesman license  
Sharon A. Teesdale, Applicant for real estate  
salesman license

Absent: G. A. "Red" Morris, Chairman (NARELLO Conf.)  
Joseph Blanco, Member (out-of-state)  
Francis N. Kauhane, Jr., Member

Call to Order: The meeting was called to order by Acting  
Chairman Edwin Shiroma at 9:17 a.m.

The Executive Secretary apprised that the agenda  
for today's meeting was duly filed on Friday,  
June 20, 1980, at the Lt. Governor's office  
in compliance with the Sunshine Law.

Minutes: Tadayoshi Ishizu moved and Ralph Yagi seconded  
to approve the minutes of May 30, 1980 as  
circulated. Motion carried unanimously.

Committee  
Reports: Real Estate Education Advisory Council

Book Donation "The Condominium Home"

After a lengthy discussion, Ralph Yagi moved  
and Tadayoshi Ishizu seconded to proceed

and purchase 5,000 copies of this pamphlet for counter distribution to the consumers and the cost to be defrayed from the real estate education fund. Motion carried unanimously.

Real Estate Education Specialist Report

Mike Chun, Assistant to Sandy Holck, Real Estate Education Specialist, reported that there were 2 responses received for the real estate seminar. He noted that this was because the news bulletin was just mailed on June 22.

Chun circulated the expenditure report incurred thus far for the seminar and requested approval in the amount of \$5,135.34.

The Commissioners decided to defer action on this matter to the July meeting.

Laws and Rules Review Committee Report

Toru Kawakami, Chairman of the Laws and Rules Review Committee, reported that Licensing Administrator had drafted an application form incorporating the guidelines his Committee had worked on. The form will be an addition to the Notice of Intention that has to be filed by the developer.

Toru Kawakami moved and Ralph Yagi seconded to approve the application form and guidelines as submitted. Motion carried unanimously.

Toru Kawakami said that the Committee will continue to work on the amendments to Chapter 20 as soon as the rules in conversion form is adopted.

Regarding Senate Resolution No. 166 "Study of Establishing a Separate Real Estate Division", Executive Secretary was requested to outline the scope of work for each of the programs and send to each of the Commissioners for their comment and review.

Toru Kawakami moved and Tadayoshi Ishizu seconded that after compilation of this study is completed, the Chairman of the Commission should present it to the Director. Motion carried unanimously.

Real Estate Recovery Fund

Wallace Chun and Tom Chun vs. Clayton K. H. Tom (Civil No. 55827)

Executive Secretary reported that this matter has been approved for payment from the real estate recovery fund. Subsequently, Richard Wada, attorney for Wallace Chun had requested to hold off payment because Respondent and his attorney, Gary Shigemura, are trying to negotiate settlement with Plaintiff.

Attorney Gary Shigemura and Clayton Tom were present to discuss this matter before the Commission and presented the release and satisfaction of judgment, rescision of the court order signed by Judge Sodetani. They requested that Commission not take any further disciplinary action against Tom.

Acting Chairman Edwin Shiroma said that the matter will be taken under advisement.

Executive Secretary was directed to obtain a copy of the amended order and report to the Commission at the next meeting.

Business Out of Minutes:

Questionable Applications

Richard I. Dan (Salesman Applicant)

Inasmuch as Richard Dan was unable to appear, this matter has been rescheduled to the August meeting.

Alexander M. McAngus III (Salesman Applicant)

Alexander McAngus requested for an informal conference for restoration of his forfeited real estate salesman license.

After the question and answer period, Toru Kawakami moved and Gregg Yamanaka seconded to deny restoration based on Commission's Rule 1.8(b). Motion carried unanimously.

Shari Joanne Middleton (Salesman Applicant)

Shari Middleton was present to discuss the reason why she failed to renew her salesman's license.

After the question and answer period, Ralph Yagi moved and John Urner seconded to approve Shari Middleton's real estate salesman's license. Motion carried unanimously.

Sharon A. Teesdale (Salesman Applicant)

Sharon A. Teesdale had requested an opportunity to come before the Commission to discuss this matter.

After the question and answer period, Acting Chairman Edwin Shiroma advised Teesdale the matter will be taken under advisement and that she will be notified.

Following discussion, John Urner moved and Ralph Yagi seconded to deny Sharon Teesdale's application for real estate salesman's license. Motion carried unanimously.

Elizabeth S. Fleming (Broker Applicant)

By letter dated April 7, Elizabeth Fleming explained the circumstances as to her late filing of her broker application.

Following discussion, Ralph Yagi moved and Tadayoshi Ishizu seconded to approve Elizabeth Fleming's license due to circumstances. Motion carried unanimously.

CON-77-17 McCormack Management Group, Ltd.

Executive Secretary gave a status report and said that the matter is still pending.

RE-79-189 Jenny Chernin and Paul Pellerin

Executive Secretary apprised the members that at the March meeting, Commission had decided to go for a formal hearing. However in the process of drafting the hearing notice, Executive Secretary found that Chernin was a possible co-owner of the property with Pellerin and, therefore, brought the matter up for reconsideration.

After discussion, Ralph Yagi moved and Tadayoshi Ishizu seconded to postpone hearing for further investigation as to the ownership interest, if any, of Jenny Chernin. Motion carried unanimously.

Investigations:RE-78-151 Aloha Realty

After discussion, Tadayoshi Ishizu moved and Toru Kawakami seconded to dismiss complaint on the basis of insufficient evidence to support the allegation. Motion carried unanimously.

RE-78-161 Esposito & Associates Realty and  
Juan B. Sebastian

Following discussion, John Urner moved and Tadayoshi Ishizu seconded to accept the Complaint Review Committee's recommendation for hearing for possible violation of Section 467-14(1), (2), and (12), H.R.S., and Rule 1.3(a) and (f) of the Commission's rules and regulations; in that, Respondents Clarence Esposito and Juan Sebastian had misled Complainant by their representation and assurance that Complainant would receive a refund of his monies in the event his application for financing was denied, and for failure to provide in the DROA that complainant's offer is conditioned on approval of loan application. Motion carried unanimously.

RE-79-187 Condominium/Commercial Mortgages, Inc.  
and Thomas P. Dunn

After discussion, Ralph Yagi moved and Tadayoshi Ishizu seconded to accept the recommendation of the Complaint Review Committee to send a strong letter of warning to Thomas P. Dunn, principal broker of Condominium/Commercial Mortgages, Inc. for possible violation of Rule 1.3(f), of the Commission's rules and regulations, and Section 467-14(12), H.R.S., in that, Dunn failed to express the exact rental agreement in writing between Complainant and Pacific Leisure Heritage Apartment. Edwin Shiroma abstained for possible conflict of interest. Motion carried.

RE-80-16 and RE-80-33 Resort Marketing Associates,  
Inc.

Following discussion, Ralph Yagi moved and Tadayoshi Ishizu seconded to request the Director of Complaints Office and Chief Investigator to appear at the next Commission meeting to discuss these cases. Motion carried unanimously.

RE-80-30 Peter Taylor dba Taylor Realty

After a lengthy discussion, Gregg Yamanaka moved and Tadayoshi Ishizu seconded to proceed to a

formal hearing against Peter Taylor for possible violation of Section 467(1) (2) and Commission's Rule 1.3(o) and dismiss the allegations against Adele Brohm. Motion carried unanimously.

RE-80-31 Thomas S. Anderson

Ralph Yagi moved and Tadayoshi Ishizu seconded to accept the Complaint Review Committee's recommendation for further investigation to determine who placed the ad in Latitude 20, is the ad still running, and, if the ad has been changed, provide a copy of new ad with supplemental investigation report. Motion carried unanimously.

RE-80-49 Brilhante-Hawaii, Inc.

Ralph Yagi moved and Tadayoshi Ishizu seconded to accept the recommendation of the Complaint Review Committee for dismissal of complaint on grounds that investigation indicates that Respondent had not made any misrepresentation, and had not acted as agent for both seller and buyer. Motion carried unanimously.

New Business:

LICENSING

Corporation

Agroland, Inc. - 4747 Kilauea Ave., #207, Hon.  
Charles E. Conboy, pb

Amfac Property Development Corp. - 700 Bishop  
St., 20th Flr, Honolulu  
Frederick K. Kwock, pb

Banyan Properties, Inc. - 190 Keawe St., #21  
Patricia S. Neilsen, pb Hilo

Brilliant Realty, Inc. - 50 S. Beretania St.  
John L. Cooper, pb C-117B, Hon.

CBI, Inc. - Ste 960, 900 Fort St., Honolulu  
Jackson Nakasone, pb

Chase and Associates Realty, Inc. - 98-211 Pali  
Momi Ct., #20, Aiea  
James W. Chase, pb

Clew Realty, Inc. - 1311 Kapiolani Blvd. #605,  
William M. Clew, pb Hon.

GMK, Inc. - 1055 Kalo Pl., #100, Honolulu  
George M. Kaneshiro, pb

Investment Projects, Inc. - 900 Fort St., #1620  
Elizabeth A. Campbell, pb Hon.

Island Investment Group, Ltd. - 745 Fort St.,  
Larry K. S. You, pb Hon.

Kamaaina Investment, Ltd. - 733 Bishop St.,  
Teresa A. Mueller, pb #1915, Hon.

Jack Matsuo, Inc. - 3622 Waialae Ave., Hon.  
Jack K. Matsuo, pb

Modern Systems Corporation dba Modern Real  
Estate - 315 Uluniu St., #297, Kailua  
Brian E. Loughran, pb

Oceanside Properties, Inc. - 1631 Kapiolani  
Blvd. Hon.  
Doris L. Yee, pb

Smith Properties, Inc. - 68 Kekuanaoa St., Hilo  
Doris Smith, pb

Spencer Realty, Inc. - 4211 Waialae Ave., #401,  
Kenneth F. Spencer, pb Hon.

Taylor Bros. Realty, Inc. - 4444 Rice St., #211  
Peter N. Taylor, pb Lihue

Alice Tredway, Inc. - 75-5707B Alii Dr.,  
Alice Tredway, pb Kailua-Kona

U.S. Pacific International Corp. - #204, 1451  
S. King St., Hon.  
Isaac Huddy, pb

Y & Y Realty, Inc. - 1136 Union Mall #307,  
Edward T. Yamaguchi, pb Hon.

Branch Office

Anchor Bay Realty, Inc. - 33 Lono Ave., #240  
John W. McPhee, bic Kahului

Direction Realty, Inc. - 1700 Ala Moana Blvd.  
Joseph J. Morton, bic Hon.

Hale Koa Realty, Inc. - 629 A Kailua Rd.,  
Rheta C. Large, bic Kailua

Ralph Yagi moved and Tadayoshi Ishizu seconded to ratify the corporation and branch offices as listed above. Gregg Yamanaka opposed. Motion carried.

On another motion, Gregg Yamanaka moved and Toru Kawakami seconded to request a special investigation for possible violation by Taylor Bros. Realty, Inc. for advertising as a licensee prior to receipt of license. Motion carried unanimously.

Tradenname

Aneka Realty - Marie A. L. St.Pierre, dba

Sally Batallia Realty - Sally B. Batallia, dba

Charlotte Crawford & Associates - Charlotte M. Crawford, dba

East Gate Realty - Edwin H. Higashiguchi, dba

Hawaii Real Estate Buyers Service - George E. Kempf, dba

Horizon Realty - Lee R. Humes, dba

Bill Ness Realty - Willard H. Ness, dba

Pahoa Realty - Daniel E. Wilson, dba

Pali Real Estate Associates - Richard T. Kong,  
dba

Place Names - Louise F. Lembeck, dba

Real Estate Gallery, Kona - Joseph M.  
Przygodzinski, dba

Brodie Spencer - Dean B. Spencer, dba

Thomas Properties - Nancy A. Thomas, dba

Van Marter & Associates - Paul W. Van Marter, dba

Ralph Yagi moved and Tadayoshi Ishizu seconded to ratify the tradenname applications with the exception of Real Estate Gallery, Kona. The application of Real Estate Gallery, Kona was deferred because of similarity of an existing licensed broker's name of Real Estate Gallery. Motion carried unanimously.



Corporation Name Change

Century 21 The Realty Corp. - formerly The Realty Corporation

Jack Russell & Associates, Inc. - formerly Webber & Russell, Ltd.

It was moved by Ralph Yagi and seconded by Tadayoshi Ishizu to ratify the corporate name changes of Century 21 The Realty Corp. and Jack Russell & Associates, Inc. Motion carried unanimously.

Restoration - past 2 years

Robert C. Engle

Ralph Yagi moved and John Urner seconded to approve Robert Engle's application for restoration of his real estate salesman license. Motion carried unanimously.

Miscellaneous:

Executive Secretary announced that the signing of E.T.S. contract will be held off until Chairman G. A. "Red" Morris returns from the Western District conference.

Request of Doris Smith, President of Hawaii Island Realtors

As requested, Ralph Yagi moved and Tadayoshi Ishizu seconded to add to the agenda letter received from Doris Smith of Hawaii Island Board of Realtors. Motion carried unanimously.

By letter, Doris Smith requested an interpretation of Commission's Rule 1.5(e) raised by a newly licensed person who resides in Waimea, works in Kona and is associated with a Hilo firm.

After a lengthy discussion, Executive Secretary was directed to write for further information and get all the facts before Commission can render a determination.

Letter of Harold Chu regarding Kaloa Conversion Venture

As requested by Executive Secretary, Tadayoshi Ishizu moved and Toru Kawakami seconded to add this matter to the agenda. Motion carried unanimously.

The attorney of developer had requested the Commission to consider the request of developer to issue a final public report prior to developer taking title to the property.

Ralph Yagi moved and Tadayoshi Ishizu seconded to defer action until Commission has an opportunity to discuss the matter with Deputy Attorney General Randy Iwase. Motion carried unanimously.

Letter from Ken Kuniyuki

Ken Kuniyuki, representing Sandra Bergmann wrote that on or about June 4, his client had verbally received approval to do business as Kamuela Realty and proceeded to do business and expended approximately \$175 to print cards, letterheads, etc. but by letter of June 25, Bergmann was informed that Commission had denied her corporate license application under the name of Kamuela Realty, Inc. Kuniyuki requests that since the Commission made the error, and there is no listing of Kamuela Realty Corp. in the telephone directory, Bergmann be allowed to continue until the matter is resolved.

Acting Chairman Edwin Shiroma volunteered to contact Samuel Aweau of Kamuela Realty whether he is still using the name and to possibly release the name.

Announcement:

Executive Secretary announced that he received a copy of letter from the Governor's Office appointing George A. "Red" Morris as Chairman of the Real Estate Commission as of June 17, 1980.

Executive Secretary also announced that effective from this date, Licensing Administrator Dick Okaji has assigned Executive Secretary George Arine to assist in drafting real estate complaint hearing notices and relieve executive secretary when on vacations or trips.

Change of August 1980 Meeting Date

Inasmuch as Commission's August 29th meeting date conflicts with the Commission's Seminar, the meeting date was changed to Thursday, August 28. There will be no Rules Review Committee meeting for the month.

Date of Next Meeting:

Friday, July 25, 1980, 9:00 a.m.  
Board Room, Kamamalu Building


Adjournment:

There being no further business to transact,  
Acting Chairman Edwin Shiroma adjourned the  
meeting at 3:30 p.m.

Taken and recorded by:

  
Saeko Whang, Secretary

APPROVED:

  
YUKIO HIGUCHI  
Executive Secretary