

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

MINUTES OF MEETING

Date: Monday, October 19, 1981

Place: Exam/Conf. Room, 2nd Flr, Kamamalu Bldg  
1010 Richards St., Honolulu, Hawaii

Present: G. A. "Red" Morris, Chairman  
Edwin H. Shiroma, Vice Chairman  
Joseph F. Blanco, Member  
Gloria J. Damron, Member  
Tadayoshi Ishizu, Member  
Toru Kawakami, Member  
Constance B. Smales, Member  
Gregg T. Yamanaka, Member

Sandy Holck, Real Estate Education Specialist  
Glenn M. Adachi, Acting Executive Secretary  
Saeko Whang, Secretary

Jeffrey Uyeda, representing Pennington School  
of Real Estate  
Darrell R. Large, P.B. of Hale Koa Realty, Inc.  
Keith V. DeLong, bic, Hale Koa Realty, Inc.,  
Mililani Branch  
Thomas A. Seale, broker/salesman for Hale Koa  
Realty, Inc.  
David Medaris, applicant for restoration of  
real estate salesman license

Absent: Ralph S. Yagi, Member

Call to Order: Chairman G. A. "Red" Morris called the meeting  
to order at 1:45 p.m.

The Executive Secretary apprised that the agenda  
for today's meeting was duly filed on Tuesday,  
October 13, 1981, at the Lt. Governor's office  
in compliance with the Sunshine Law.

Minutes: Joseph Blanco moved and Constance Smales seconded  
to approve the minutes of August 28, 1981 as  
circulated. Motion carried unanimously.

Committee Reports: Real Estate Education Advisory Council

Application for Real Estate Instructor's  
Certificate

Robert Pennington

As recommended, Joseph Blanco moved and

Tadayoshi Ishizu seconded to approve application of Robert Pennington for certification as real estate salesman instructor. Motion carried unanimously.

Application for School Accreditation

Pennington School of Real Estate

Joseph Blanco moved and Constance Smales seconded to approve accreditation of above real estate school subject to receipt of DOE licensure. Motion carried unanimously.

Seminar

Sandy Holck, Real Estate Education Specialist, reported that there were about 98 attendees at the Hilo seminar and that it was enjoyed and very well received.

Real Estate Schools

There are 3 real estate schools that have not sent in their curriculum. Sandy Holck reported that he has advised them by letter to appear before the Commission as to why they have failed to comply with the requirement.

Real Estate Chair

The Commission discussed at length the following:

1. The extension of the Agreement with the College of Business Administration for school years 1980-1981, 1981-1982, and 1982-1983.
2. That the duties and responsibilities of the University and the chairholder be revised.
3. That the financial support be increased to \$65,000 per year and that the accounting period be changed from a calendar year basis to a fiscal year basis commencing July 1, 1982.
4. That the NATURE OF THE REAL ESTATE CHAIR should be part of the agreement.

5. That the resumes of Dr. Larry Wofford for school year 1981-1982 and Dr. Stephen Messner, 1982-1983 be forwarded to the Director for approval and subsequent approval from the Governor.

Constance Smales moved and Tadayoshi Ishizu seconded to approve the above provisions. Gregg Yamanaka objected to the funding of \$65,000 only. Motion carried.

Constance Smales voiced her concern regarding the overall program with respect to the Education Trust Fund.

After discussion, Constance Smales moved, seconded by Joseph Blanco that the Education Committee be given the assignment for soliciting proposals and for developing an overall plan for the Real Estate Education Fund. Motion carried unanimously.

Staff was requested to write a memo to Dean David Bess informing him that the Commission has adopted guidelines for the implementation of the goals and objectives of the master plan and that Commission expresses the concern for the overall plan. Commission would like to have a plan by the end of the fall semester.

#### Exam Writing Workshop and Review

Edwin Shiroma reported that 3 people would be selected to review the contents and accuracy of the questions and answers of the examinations. Shiroma moved that letters be sent to Mary Savio, Tad Kaneko and Sidney Ayabe to see if they would be willing to act as examination reviewers and have ETS pay for the services. The motion was seconded by Joseph Blanco and unanimously carried.

On another motion, Edwin Shiroma moved to include time sharing and land trust portions to the examinations, and that the real estate schools be informed that starting with the February examination these two subjects will be included in the outline. The motion was seconded by Joseph Blanco and carried unanimously.

Constance Smales moved and Joseph Blanco seconded to notify the real estate schools in writing that a meeting will be set up with representatives of the real estate schools to further explain the new curriculum. Motion carried unanimously.

Joseph Blanco moved and Edwin Shiroma seconded that the Commission select someone who could help conform the existing brokers curriculum to the format used by ETS in their exam bulletin. Motion carried unanimously.

Laws and Rules Review Committee Report

Committee Chairman Toru Kawakami reported that the Committee met this morning and finalized Chapter 20. With few possible changes to be made, this matter could be sent to the appropriate departments for review.

Business Out  
of Minutes:

Questionable Applications

Upon motion by Edwin Shiroma, seconded by Joseph Blanco and unanimously carried, Commission decided to enter into executive session at 2:10 p.m. to discuss the questionable application of David Medaris.

Out of Executive  
Session:

At 2:40 p.m., Joseph Blanco moved and Tadayoshi Ishizu seconded to move out of executive session and back into regular session. Motion carried unanimously.

David Medaris (Application for restoration and admission to November exam)

Following discussion, Joseph Blanco moved and Edwin Shiroma seconded to approve restoration of David Medaris' real estate salesman license. Motion carried unanimously.

After much deliberation, Joseph Blanco moved and Edwin Shiroma seconded to deny waiver of the broker experience based on §467-9.5, H.R.S. and Admin. Rule §16-99-38. Motion carried unanimously.

James Rudosky

Gloria Damron moved and Toru Kawakami seconded to approve James Rudosky's application for real

estate salesman license. By a vote of 5 Ayes and 2 Nos, the motion was carried. Joseph Blanco and Gregg Yamanaka voted against the motion.

Investigations:

Edwin Shiroma moved and Joseph Blanco seconded to accept the recommendations of the Complaint Review Committee for the following cases:

RE-80-155 Sam Daily Realty, Inc.

A request be made to Attorney General's office for an opinion as to whether the real estate licensing laws and rules applies in situations where the licensee is a joint venturer and not acting in an agency capacity to the Complainant.

Commissioner Smales abstained from participation in the discussion of this case due to possible conflict of interest.

RE-80-160 Silver, Ltd.; David L. Silver

A check of the licensing records indicate that B. J. Silver is a licensee with Silver, Ltd. That case be dismissed and letter of warning sent to Silver, Ltd. and David L. Silver apprising him of his responsibility for the activities of the personnel under his supervision and that he is responsible to make sure personnel are properly licensed before engaging in real estate activity.

RE-80-179 Violeta Mata; Herbert K. Horita Realty, Inc.

That case be dismissed. It appears that the main witness (Vea) did not substantiate the Complainant's claim.

RE-81-23 Ronald David Niven; Newton Realty, Inc.

That hearing be held against Niven for alleged violation of H.R.S. §467-14(8).

RE-81-43/RE-81-53 Ester Chu Realty, Inc.;  
Siu-Sun Chu

That complaint be dismissed on the basis that there was insufficient evidence to substantiate a violation.

RE-81-45 Waipio Realty Corp.; Michael Teramoto;  
Charles Wayne Benton

RE-81-58 Waipio Realty Corp.; Michael Teramoto;  
Gary K. Doi

A hearing to be held for alleged violations of §467014(1) and (8), H.R.S. and Admin. Rule §16-99-3(1) and (2).

RE-81-48 Rod Burgess Realty, Inc. Rodney K.  
Burgess III and Irma Sai

A hearing to be held against Irma Sai for alleged violation of §467-14(4), (7), (8) and (14), H.R.S. and Admin Rule §16-99-3(1), §16-99-4(a) and (b).

Commission requests immediate attention on this urgent matter.

RE-81-59 Michael I. Newby

A hearing to be held for alleged violation of §467-14(3), H.R.S. and Admin. Rule §16-99-3(1).

RE-81-67 Karola Vierra

A hearing to be held for alleged violation of H.R.S. §§467-12; 467-14(1), (2), (3), (7), (8) and Rule §16-99-3(1), (13), and (14), §16-99-3(1), (13) and (14), §16-99-4(a) and (b).

RE-81-68 Iwao Jyo and James M. Winniman

That case be dismissed on the basis that the investigation revealed that a decree has been entered in a quiet title action involving the subject property.

RE-81-104 Kauai Realty, Inc., Thomas L. Alburger,  
Gordon and Roberta Haas

That case be dismissed. It appeared the complaint is based on a repossession pursuant to a private agreement between Complainant and Respondents Haas for the purchase of the furniture.

RE-81-108 Marian Cochran, Menefee Realty, Inc.

The complaint be dismissed on the basis that the (1) DROA addendum provided for escalation of the monthly payment of the agreement of sale in the

event the mortgage interest rate increased; (2) that there is a discrepancy in the DROA addendum and the agreement of sale concerning the increase of the mortgage interest rate; (2) that said discrepancy is not the fault of the agent.

Commissioner Damron abstained from participation in the discussion for possible conflict of interest.

RE-81-110 Sam Daily Realty, Inc., Sammy G. Daily

A letter of warning be sent to Respondent. From the audio portion of the ad it appeared that Respondent was an expert on Hula Mae financing and that he had an advantage in obtaining Hula Mae funding. Further, the ad was not reflective of the existing market since there was no Hula Mae financing available.

Commissioner Smales abstained from participation for possible conflict of interest.

RE-81-115 Business Investments, Ltd., Kenneth H. Lum

A letter of warning be sent to Respondent apprising him of the rules pertaining to advertising.

RE-81-138 Ocean Pacific Development, Ltd.

Investigation revealed that Ocean Pacific Development, Ltd. is not licensed as a real estate corporation. Request that complaint be referred to OCP for possible unlicensed activity.

Motion carried unanimously.

RE-81-98 Jerry Hirata, Inc.

Following discussion, Edwin Shiroma moved and Joseph Blanco seconded to request for further investigation to get view point of the owner. Motion carried unanimously.

New Business:

LICENSING

Corporation

The Aloha-Laska Corporation - 45-1048 Kam Hwy,  
Joseph M. Taitano, pb Ste 203, Kaneohe

American Resort Marketing, Inc. - Azeka Place  
Borge M. Meyer, pb Rm 222, Kihei

Richard Asmus Realty, Inc. - 190 So. King St.  
Richard Asmus, pb #938, Hon.

E.M.A., Ltd. - 1290-D Maunakea St., Rm 310  
Jack G. Nosaka, pb Hon.

Dave Ford Real Estate, Inc. - 33 Waianuenue  
David G. Ford, pb Ave., Ste 1, Hilo

Greg Gadd Real Estate, Inc. - 207 Kinooole St.  
Gregory G. Gadd, pb Hilo

Goodall Properties, Inc. - 444 Hobron Ln.  
Joy H. Goodall, pb #417, Hon.

Hughes Investments, Inc. dba Hughes Outer  
Island Properties - 71 Banyan dr., Hilo  
Kenneth L. Hughes, pb

Judy Liu Realty, Inc. - 444 Hobron Ln., #417,  
Judy Liu, pb Hon.

Ocean Pacific Realty, Inc. - 1228 No. School  
Calvin Miyamura, pb St., Hon.

John Parris Realty, Inc. - 190 So. King St.,  
John Parris, pb #938, Hon.

PSS, Inc. - Poipu & Waikomo Rd., Koloa  
Betty J. Bell, pb

The Rand Properties Corporation - 1750  
Kalakaua Ave., Ste 707, Hon.  
Richard R. Rand, pb

Leroy Smith Realty, Inc. - 190 So. King St.  
Leroy Smith, pb #938, Hon.

Soukop & Associates, Hawaiian Realty, Inc. -  
4614 Kilauea Ave., #377, Hon.  
Harry Soukoup, pb

Theta Realty Corporation dba Thetacorp -  
820 Mililani St., Ste 702-D, Hon.  
Robert E. Garrity, pb

Triple M. Investors, Inc. - 400 Hualani St.  
Harry T. Machida, pb Hilo



David K. Uno, Inc. - 130 Merchant St., #1802  
David K. Uno, pb Hon.

Upon motion by Edwin Shiroma, seconded by Tadayoshi Ishizu, the Commission unanimously ratified staff's action in approving the corporate applications.

Partnership

R & E Investments - 820 Mililani St., Ste 701,  
Donald T. Eovino, pb Hon.

Edwin Shiroma moved and Joseph Blanco seconded to ratify the partnership application of R & E Investments. Motion carried unanimously.

Branch Office

Progressive Investment Corp. - 33 Market St.  
Shigeto Murayama, bic Ste 202, Wailuku

Wailea Realty Corporation - 3750 Wailea Alanui  
Helen M. MacArthur, bic Wailea

Upon motion by Joseph Blanco, seconded by Gregg Yamanaka, the Commission unanimously ratified staff's action in approving the branch office applications.

Tradenames

C. W. Boggs Management - Charles W. Boggs, dba

CHC Realty - Carol H. Curry, dba

Chuang's Realty - Alice S. Tyau, dba

ERA Apex Realty - Apex Realty Corp., dba

Hawaii International Realty - Polly Gately, dba

Koloa Realty Company - Theodore K. Blake, dba

James Loedding Company - James A. Loedding, dba

Bobbie Martinsen Realty - Barbara J. Martinsen,  
dba

Violeta Mata Realty - Violeta P. Mata, dba

Nevels 7 Associates Realty - Nevels, Inc., dba

Old Hawaii Realty - Maurice J. Maixner, dba

Fred Salon Realty - Alfredo G. Salon, dba  
Sea Shell Properties - Karen L. Squire, dba  
Sandra Spickler Realty - Sandra Spickler, dba  
Ron Tanaka Realty - Ronald K. Tanaka, dba  
Pat Thompson - Patricia A. Thompson, dba  
TSM Realty - Karen T. M. Keanu, dba

Edwin Shiroma moved and Gregg Yamanaka seconded to ratify tradename applications excepting Chung's Realty. Motion carried unanimously.

Chung's Realty be informed that using unregistered surnames are not acceptable.

DBA Name Change

Caryl Arquette & Associates - formerly Caryl Arquette

Joseph Blanco moved to ratify the dba name change of Caryl Arquette & Associates. The motion was seconded by Edwin Shiroma and unanimously carried.

Restorations - past 2 years

Ronald J. Lashier - forf. 1/1/79

Ronald Y. C. Lee - forf. 1/1/63

Joseph Blanco moved and Edwin Shiroma seconded to approve the above application. Motion carried unanimously.

Anthony Cerrone

Commission decided to defer action on this matter until further information can be received regarding item 8 of the application.

Donald W. S. Lee

Edwin Shiroma moved and Joseph Blanco seconded to approve Donald Lee's application for real estate salesman license. Motion carried unanimously.

Miscellaneous:

NARELLO Constitution & By-Laws Amendments

The Hawaii delegation will vote in favor of the amendments to the NARELLO Constitution by By-Laws.

Honolulu Board of Realtors

Hawaii Association of Real Estate Schools

ETS Exam Irregularity

As requested, Edwin Shiroma moved and Tadayoshi Ishizu seconded to add the above three matters to the agenda. Motion carried unanimously.

Honolulu Board of Realtors

By letter dated October 2, 1981 HBR requested Commission's help in providing them with a list of active agents and their office affiliations for its records.

There was some discussion to "work a deal" with the Board to computerize our records for roster of licensees.

Chairman Morris stated that he will take this matter up with Administration and get their feelings on it - it can be very beneficial to both parties.

Hawaii Association of Real Estate Schools

By letter dated October 1, 1981 John Reilly brought the matter of waiving the 60-day and 40-day requirement for the February 1982 exam. The rules amending this requirement have not been adopted.

After discussion, Edwin Shiroma moved and Gloria Damron seconded to give Executive Secretary the authorization to proceed in accordance with administrative requirement. Motion carried unanimously.

ETS Exam Irregularity

ETS had notified the Commission that 2 people were suspected of cheating in the August 8, 1981 exam. ETS submitted a report on the incident and an analysis of their exams.

After discussion, Joseph Blanco moved and Edwin Shiroma seconded to sustain ETS's recommendation to disqualify the applicants and that they be given another exam. Motion carried unanimously.

Condominium Consultants Guidelines

Executive Secretary reported that a meeting was held recently to update the condo guidelines and at the present time in the process of redoing the check list and suggesting a format for the submission of documents to the Commission for review so that it can be expedited.

Rules and Regulations

The Commissioners discussed at length the proposed rules requiring 10 transactions experience requirement with waivers for attorneys only.

A vote was taken for waivers other than the attorneys:

1. Waive the time but no waiver of the transactions

In favor were Joseph Blanco, Constance Smales, Tadayoshi Ishizu, Gloria Damron and Gregg Yamanaka

2. Waive the time experience requirement and prorata of transactions proportionately.

In favor were Edwin Shiroma and Toru Kawakami

Number of Cases Pending

Commissioners expressed concern regarding the number of cases pending. There are about 80 cases with the Executive Secretary. Chairman Morris stated that he will speak to the Director on this matter.

Date of Next Meeting:


November 20, 1981  
Board Room, 2nd Floor

Adjournment:

There being no other business to transact, the meeting was adjourned at 4:15 p.m.

Taken and recorded by:

APPROVED:

  
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GLENN M. ADACHI  
Acting Executive Secretary

  
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Saeko Whang, Secretary