

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

MINUTES OF MEETING

Date: Friday, April 29, 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
Toru Kawakami, Member
Constance B. Smales, Member
Ralph S. Yagi, Member

Janice B. Sevilla, Education Officer
Cynthia T. Alm, Information Officer
Glenn M. Adachi, Executive Secretary
Saeko Whang, Secretary

Dr. Alvin B. "Pat" Wooten, Consultant
Prof. Jerome Dasso, Present Chairholder
Rae Lindquist, Hawaii Association of Realtors
Sheila Lau, Director, SBMP, Univ. of Hawaii
Robert Alm, Hearings Officer
Virginia Lea Crandall, Hearings Officer
Randall Iwase, Deputy Attorney General
Russell W. O. Lum, Deputy Attorney General

Absent: Gloria J. Damron, Member
Gregg T. Yamanaka, Member

Call to Order: There being a quorum present, Chairman G. A. "Red"
Morris called the meeting to order at 9:20 a.m.

The agenda for today's meeting was filed on
Monday, April 25, 1983 at 9:33 a.m. at the Lt.
Governor's office in compliance with the Sunshine
Law.

Minutes: Upon motion by Edwin Shiroma and seconded by
Ralph Yagi, the Commission unanimously approved
the minutes of March 24, 1983 as circulated.

Hearings: RE-LIC-83-5 Jason Matayoshi

Edwin Shiroma moved and Ralph Yagi seconded to
accept the Hearings Officer's recommended order
to deny Jason Matayoshi's application for license.
Motion carried unanimously.

RE-LIC-83-6 Dayle W. Carlson

After a lengthy discussion, Joseph Blanco moved and Ralph Yagi seconded to reman the case back to the Hearings Officer to obtain additional evidence. Motion carried unanimously.

RE-81-38 and RE-81-39 Kenny Aihara

Following discussion, Edwin Shiroma moved and Ralph Yagi seconded that based on Hearings Officer's recommended order that he be required to pay a \$500 fine within 60 days of the Commission's final order. If not paid within 60 days, Aihara's license will be revoked. If it is paid, his license will be suspended immediately for a period of one year and at the end of the suspension period, on reinstating his license, he will be required to take the Commission's recommended course. Motion carried unanimously.

CON-82-12 Ind-Comm Management

Randy Iwase, Deputy Attorney General, explained the terms of the settlement agreement. The purpose of the settlement is to address those disclosures which they believe to be compelled by §514A-85, H.R.S.

Joseph Blanco moved and Edwin Shiroma seconded to accept the settlement agreement of the Attorney General's office. Motion carried unanimously.

RE-LIC-83-8 Brian Daily

Inasmuch as the letter sent to Brian Daily has been unclaimed, the Hearings Officer recommended the case be dismissed with 60 additional days to appeal should Daily request it again. Joseph Blanco so moved, seconded by Edwin Shiroma and unanimously carried.

RE-82-52 Ernest Tamashiro, Mike McCormack Realtors

Chairman Morris excused himself on this matter due to possible conflict of interest. Vice Chairman Edwin Shiroma presided over this matter.

After discussion, Ralph Yagi moved and Toru Kawakami seconded to accept Hearings Officer's recommended order to dismiss the charges against salesman, Ernest Tamashiro, and approve the consent offer of \$250 fine for violation by the broker, Mike McCormack Realtors. Motion carried unanimously.

RE-81-25 Calvin Lau

Following discussion, Ralph Yagi moved and Edwin Shiroma seconded to accept Hearings Officer's recommended order to impose \$400 fine for not having an agreement in writing although it was a personal real estate transaction. Motion carried unanimously.

Commission expressed its appreciation to Hearings Officer's diligence in researching the above case.

Committee Reports: Real Estate Education Report

Cindy Alm reported on the activities of Dr. Wooten who is here to conduct the feasibility study on establishment of a research center in Hawaii. Dr. Wooten will report his findings to the Education Committee on Wednesday, May 11, 1983.

Constance Smales moved and Joseph Blanco seconded to approve expenditures for neighbor island travel including Yukio Takeya for the May meetings. Motion carried unanimously.

ETS Cut Score Study and Item Writing

Cindy Alm reported that Joe Malone from ETS and a panel consisting of industry people participated in the cut score review study and item writing on April 21-23, 1983.

Education Chairman Joseph Blanco commended Cindy Alm for doing a tremendous job in getting the group together on very short notice.

Joseph Blanco moved and Edwin Shiroma seconded to approve payment for half of the expenditures - air fare, honorariums and lunches. Motion carried unanimously.

Ohana Zoning Seminar

Sheila Lau, Director of SBMP, reported on the Ohana Zoning Seminar held at the Ilikai Pacific Ball Room on April 22, 1983.

Time Value of Money Seminar

Prof. Dasso reported on the Time Value of Money Instructor Seminar held on April 15, 1983 at the Ala Moana Hotel.

Annual Planning and Budget Symposium

Jan Sevilla announced that the annual symposium will be held on Wednesday, May 18, 1983, at the Kahala Hilton. Neighbor island members are also expected to attend.

Upon motion by Joseph Blanco, seconded by Constance Smales, Commission approved to hold the symposium at Kahala Hilton.

Seminar VI Speakers

Joseph Blanco moved and Edwin Shiroma seconded to accept the speakers for the Seminar VI as presented by Escrow Association of Hawaii, Gen McClure, Frances Goo and David T. Pietsch, Jr. Motion carried unanimously.

Commission Policy on Restoration

Constance Smales had requested policy on handling reciprocity of licenses.

Following discussion, Joseph Blanco moved and Edwin Shiroma seconded to refer the matter first to the staff before sending it to the Laws and Review Committee meeting. Motion carried unanimously.

Financial Audit Bid

Joseph Blanco moved and Edwin Shiroma seconded to approve K. Harry Tokushige, CPA, to conduct audit of the Real Estate Recovery Fund and Education Fund contingent upon the approval of the scope by the Ad Hoc Committee which will be composed of Sidney Ayabe, Edwin Shiroma, Joseph Blanco, "Red" Morris, Toru Kawakami, Gregg Yamanaka and Glenn Adachi. Motion carried unanimously.

Laws and Rules Review Committee

Committee Chairman Toru Kawakami reported that at yesterday's meeting the following were discussed:

1. Vacation Rentals - needs uniform definition; staff to compile various county ordinances
2. Experience Point System - recommend that we write to Pennsylvania to get additional information and rationale
3. Advertising by Owner-Licensee - to amend Rule 16-99-11
4. Disciplinary for violation of other real estate related laws - staff to research whether to adopt rules
5. Guidelines for Suspended Broker - Commission will research the guidelines on past case(s) and other states.
6. Compensation for Foreign Brokers - to do research with other states how they have handled splitting fees with foreign brokers

Reprint of News Article

Prof. Dasso reported that Idaho Real Estate Commission requested permission to publish an article that was printed in the last News Bulletin. Joseph Blanco moved and Edwin Shiroma seconded to grant permission to publish article. Motion carried unanimously.

Instructors Barred From Taking ETS Exam

Joseph Blanco moved and Constance Smales seconded to send a list of real estate instructors to ETS and inform them that the instructors are not allowed to take future examinations. Motion carried unanimously.

Toru Kawakami moved and Edwin Shiroma seconded to approve the above amendment to be included into the proposed rules.

Real Estate Instructor Certification

Burt A. Thompson

Joseph Blanco moved and Ralph Yagi seconded to give conditional approval to Burt Thompson

subject to his obtaining a certification of completion from a real estate broker and salesman course or his passing an instructor examination. Motion carried unanimously.

ETS Irregularity Report

Commission received communication from ETS concerning an applicant cheating at the January 1983 exam.

Edwin Shiroma moved and Ralph Yagi seconded to accept the ETS irregularity report dated March 25 regarding Jimmy Wu and that his score be cancelled. Motion carried unanimously.

New Business:

LICENSING

Corporation

Aloha Relocation Service, Inc. - 98-211 Pali
Momi St., Ste 717, Aiea
Lee C. Turner, pb

J. L. Chang & Associates, Inc. - 250 Keawe St.
Jerry L. Chang, pb Hilo

Double U, Inc. dba Double U Realty - 2424
Kalakaua Ave., Shop 202 B, Hon.
Wallace Y. Watanabe, pb

Great American Commercial Management, Inc. -
2255 Kuhio Ave., 1900 Waikiki Trade Ctr. Hon.
John R. MacDonald, pb

Ted James Property Management, Inc. - 1400
Kapiolani Blvd., B-47, Hon.
Clarice Johnson, pb

Kahuanani Realty, Limited - 2153 N. King St.,
Gerald K. F. Ah Mai, pb Ste 325, Hon.

Keauhou-Kona Realty, Inc. - 75-5737 Kuakini Hwy,
Jean A. Murphy, pb Ste 103, KK

Maui Vacation Realty, Inc. - 1993 S. Kihei Rd,
Michael K. McAndrews, pb #15, Kihei

Greg Natori, Inc. - 2752 Woodlawn Dr., Hon.
Gregory K. Natori, pb

Rainbow Hawaii Realty, Inc. - 190 S. King St.
Robert R. Cloutier, pb Ste 938, Hon.

Sabia of Hawaii, Inc. dba Louie Lopez Realty -
900 Fort St. Mall, #1030, Hon.
Louis A. Lopez, Jr., pb

Tymeresorts International, Ltd. - 190 S. King
Philip N. Minn, pb St., 740, Hon.

Branch Office

Mike McCormack, A Div. of McCormack Hawaii, Ltd.
Corner of Kam V Hwy, & Kamoi St., Kaunakakai
John Ennis, bic

Tradenname

CJ Real Estate Sales - Sue Ellen Nabarrete, dba

Judy Dancer Realty - Judy Dancer, dba

ERA Central Realty - Central Realty, Ltd., dba

International Business Brokers - Carole K.
Nakamura, dba

Kailua Property Services - Robyn L. Enos, dba

Nielsen Realty - Darlyne L. Nielsen, dba

Pilikua Hale - Archie O. Wadsack, dba

REWA - Betty G. Paige, dba

Regency Properties - Jo Jean W. Schieve, dba

RB Shaver & Associates - Robert B. Shaver, dba

Shubert Properties - Chu Lan Shubert, dba

Surfside Realty - Gunnar R. Aro, dba

Upon motion by Edwin Shiroma, seconded by
Joseph Blanco, the Commission unanimously
ratified the action of the staff in approving
the corporation, branch office, and tradenname
applications. Motion carried unanimously.

Restorations - past 2 years

John M. Dudley
Kaydi E. Fukunaga
Marshall K. S. Inn
Barry D. Kaplan
Godfrey T. Maeshiro
Alvin T. Nakamura

Robert Nip
Joe R. Pyle
Richard Dorfman

Ralph Yagi moved and Edwin Shiroma seconded to authorize the Executive Secretary to make the decision on the above restoration applications. Motion carried unanimously.

Miscellaneous:

NARELLO

By letter, Russel Nagata, Complaints and Enforcement Officer of RICO, requested Commission to send two civil service investigators to NARELLO Timesharing conference from May 25-27, 1983 to be held in Lake Tahoe, Nevada.

Ralph Yagi moved and Edwin Shiroma seconded to approve Russel Nagata's request to send two investigators to the NARELLO Timeshare Conference and upon their return should train other investigators and submit a written report. Ralph Yagi voted in favor of the motion. Joseph Blanco, Constance Smales, Toru Kawakami and Edwin Shiroma voted against the motion. Motion defeated.

After further discussion, Joseph Blanco moved and Edwin Shiroma seconded to extend to RICO an offer to pay half the expenses for sending one investigator to the conference with the understanding that the investigator trains other investigators and submit a written report. Also state that timesharing is not in our jurisdiction and that RICO being a separate division should have adequate funding. Motion carried unanimously.

Broker Examination Waivers

Karen Jeffery - Waiver of Education

Edwin Shiroma moved and Joseph Blanco seconded to deny Karen Jeffery's request for waiver of the education requirement. Motion carried unanimously.

E. L. Meyers - Waiver of Experience

Joseph Blanco moved and Edwin Shiroma seconded to authorize Executive Secretary to respond to E. L. Meyers for waiver of his experience requirement. Motion carried unanimously.

Recovery Fund

Collection Agencies' Proposals

Upon the recommendation of Cindy Alm, Joseph Blanco moved and Edwin Shiroma seconded to accept Reliable Collection Agency, Ltd.'s proposal the collection of recovery fund accounts. Motion carried unanimously.


NARELLO Conferences

Chairman Morris will represent Hawaii at both the Western District Conference and the Timeshare Conference meetings in Lake Tahoe, May 21-28, 1983.

Adjournment: There being no other business to transact, the meeting was adjourned at 1:15 p.m.

Next Meeting: Friday, May 27, 1983
Board Room

Taken and recorded by:



Saeko Whang, Secretary

APPROVED:



GLENN M. ADACHI
Executive Secretary