

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

MINUTES OF MEETING

Date: Friday, July 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
Gloria J. Damron, Member
Toru Kawakami, Member
Yukio Takeya, Member
Ralph S. Yagi, Member

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

Rae Lindquist, Hawaii Association of Realtors
Robert Alm, Hearings Officer
Virginia Lea Crandall, Hearings Officer
Ruth Tsujimura, RICO attorney
Kazuhisa Abe, Attorney representing Dorothy Gibson
Clifford Higa, Deputy Attorney General

Absent: Constance B. Smales, Member
Gregg T. Yamanaka, Member

Call to Order: The meeting was called to order by Chairman
G. A. "Red" Morris at 9:15 a.m.

Notice of Meeting: The notice of meeting was filed on July 26, 1983
at the Lt. Governor's office.

Minutes: Upon motion by Commissioner Yagi and seconded
by Commissioner Takeya, the Commission unanimously
approved the minutes of June 24, 1983 as circulated.

Hearings Officer
Report: The Hearings Officers, Robert Alm and 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 approval.

Hearings Officer
Report:

Oral Arguments on Exceptions

RE-LIC-83-18 Dorothy L. D. Gibson

Attorney Kazuhisa Abe, representing Dorothy Gibson, appeared to present oral arguments; however, his subsequent memorandum did not give the State's attorney, Ruth Tsujimura, the required 15 days in which to file exceptions and it was requested that the Commission postpone making a final decision on the matter.

Commissioner Yagi moved and Commissioner Damron seconded to defer action on this matter until the August meeting. Motion carried unanimously.

RE-LIC-83-10 Calvin Ontai

Calvin Ontai requested that Commission defer this matter to the next meeting since he is under the doctor's care.

Executive Secretary will request that Ontai submit doctor's paper.

Case Reports:

RE-LIC-83-15 Scott A. Crockford
RE-LIC-83-16 Robert L. Garbett
RE-LIC-83-20 Clifford Furukado

Upon motion by Commissioner Damron and seconded by Commissioner Kawakami the matter of RE-LIC-83-23 Donald Berry was also added to the above list. Motion carried unanimously.

Following discussion, Commissioner Blanco moved and Commissioner Yagi seconded to accept the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order on all the above case reports. Motion carried unanimously.

RE-81-99 Jonathan Adler

Commissioner Takeya excused himself on this matter due to possible conflict of interest.

Upon motion by Commissioner Damron and seconded by Commissioner Yagi, the Hearings Officer's Findings of Fact, Conclusions of

Minutes of Meeting of July 29, 1983

Law and Recommended Order were adopted to revoke the license because he pursued a course of making false statements to a property owner in connection with a real estate transaction. Motion carried unanimously.

RE-LIC-83-17 Michael J. Pcola

Upon motion by Commissioner Yagi and seconded by Commissioner Kawakami, the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order were unanimously approved.

RE-81-39 Michael Gisondi

Following a lengthy discussion, Commissioner Kawakami moved and Commissioner Yagi seconded to send a letter of warning to Gisondi. Motion carried unanimously.

RE-82-105 and RE-83-34 Bomani J. Kim

Upon motion by Commissioner Takeya, seconded by Commissioner Yagi, Commission unanimously accepted Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order.

RE-81-128 Broker Associates/Dennis M. Grady

Upon motion by Commissioner Damron and seconded by Commissioner Kawakami, Commission unanimously upheld Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order. Broker Associates and Dennis Grady's licenses were revoked and terminated earlier because payment had been made from the Real Estate Recovery Fund. The Commission took this action to ensure that this matter be made a public record.

RE-81-143 Maylee S. Dubois

Upon motion by Commissioner Yagi and seconded by Commissioner Takeya, Commission unanimously adopted Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order that Respondent's license be revoked because of misrepresentations made and she commingled funds of her clients. She also failed to inform her broker of the transaction in which she was involved.

RE-79-56 Mike McCormack Realtors, Foxfire Realty,
Laverne Allen, Judy Gifford, Norman D.
Frane and Harry T. DeGregory

Upon motion by Commissioner Yagi and seconded
by Commissioner Damron, Commission unanimously
adopted Hearings Officer's Findings of Fact,
Conclusions of Law and Recommended Order by
dismissing all the allegations that deals
with fraud, misrepresentations, etc.

The Commission adopted the Hearings Officer's
proposed decision and order to fine as follows:
Respondent Laverne Allen be fine \$1,000;
Harry DeGregory and Norman D. Frane be fined
\$500 each; and no fine to Judy Gifford. Fines
to be paid within sixty days of the Commission's
final order with the exception of Norman Frane.

Commissioner Yagi moved and Commissioner Damron
seconded to amend the order to allow Norman
Frane who had filed a written request, to
extend the payment until October 15, 1983.
Motion carried unanimously.

RE-81-23 Ronald Niven

Commissioner Blanco moved and Commissioner
Takeya seconded to add this matter to the
agenda. Motion carried unanimously.

Upon motion by Commissioner Damron and
seconded by Commissioner Blanco, Commission
unanimously adopted Hearings Officer's Findings
of Fact, Conclusions of Law and Recommended
Order that Respondent's license be revoked.

Investigation Report - Condominium

CON-82-2 Ike T. Odachi and Daniel Ukishima

Following discussion, Commissioner Yagi
moved and Commissioner Shiroma seconded to
proceed to a formal hearing on this matter.
Motion carried unanimously.

Committee Reports: Real Estate Education Committee Report

Assignments on Short Term Goals Topics

Commission discussed at length the various
assignment tasks to specific Commission/staff

members. Each Commission member/staff is responsible for one or more topics on short term goals for the Education Plan.

News Bulletin

Education Chairman Blanco suggested that Bill Wood be requested to attend the Real Estate Commission meetings to generate news articles for the Bulletin.

Request from Dean Bess

By letter dated July 1, 1983, Dean David Bess requested the Commission to allocate part of the Chairholder's fund to send Prof. Don Bell to two meetings, one at the University of Wisconsin and the other at the University of Ohio.

The Commission discussed whether the funding for Prof. Bell's trip should be allocated out of the education fund or from the funds that were previously allocated to the U.H. Chairholder.

Upon motion made by Commissioner Blanco, seconded by Commissioner Yagi, it was unanimously approved that the funding for Prof. Bell's trip be taken out of funds allocated to the U.H. Chairholder.

The Commission also suggested that at the next Education Committee meeting, the Committee discuss the disposition of any surplus funds in the Chairholder account.

The Commission discussed sending its own representatives to the conference of Resource Center Directors and Chairholders because of the resource center project undertaken by the Commission.

Upon motion made by Commissioner Blanco, seconded by Commissioner Shiroma, it was unanimously approved that Commissioner Damron and Jan Sevilla attend the conference of Resource Center Directors and Chairholders to gather information to assist the Commission in its plans for a proposed resource center.

Upon motion by Commissioner Blanco, seconded by Commissioner Takeya, it was unanimously approved that no funding be granted to Prof. Bell out of the Chairholder's fund for his attendance at the Wisconsin meeting.

Code-a-phones

Upon motion made by Commissioner Yagi, seconded by Commissioner Takeya, it was unanimously approved that the Information Officer and Education Officer purchase code-a-phones out of the education fund.

Annual Report

The Commission reviewed the 3 annual report proposals that were submitted to the Information Officer from Crossroads Publishing, Carl Lindquist and Bill Wood. The lowest bid was submitted by Bill Wood.

Upon motion by Commissioner Blanco, seconded by Commissioner Shiroma, it was unanimously approved that Bill Wood be selected to write, print and distribute the 1982-83 annual report of the Real Estate Commission.

The Education Officer went over her report for the month of July 1983.

HAR Convention

The Commission discussed whether to allow advertising for the upcoming HAR convention in the Real Estate Commission Bulletin. The concern was expressed that if HAR be allowed to advertise, the Commission may have to permit advertising by all other real estate organizations.

Upon motion by Commissioner Damron and seconded by Commissioner Takeya, it was unanimously approved that the Commission allow HAR to place a notice in the Bulletin for the upcoming HAR convention and to further include in the notice that a 20% discount be given to those licensees who sign up through the Commission Bulletin and who are not Realtors.

Accounting

The Commission reviewed the new account titles for the financial statements. Upon motion by Commissioner Shiroma, seconded by Commissioner Yagi, the new account titles were unanimously approved.

Budget

The Commission reviewed the working budget for the first quarter of 83-84 fiscal year.

Upon motion by Commissioner Blanco, seconded by Commissioner Shiroma, that the working budget for the first quarter of 83-84 fiscal year was unanimously approved with the following amendments: (1) travel budget be increased by \$3,000 for the trip to the resource center directors and chairholder seminar; (2) annual report - \$10,500; and (3) postage - \$3,000.

Post Licensing Course

Upon motion by Commissioner Shiroma, seconded by Commissioner Blanco, it was unanimously decided that the certificate for completing the real estate Commission post licensing course be approved.

SMS Survey

Jim Danmiller and Alvin Katahara from SMS reported to the Commission on complaint survey that was recently completed. Danmiller went over his proposals to analyze the closed cases that went all the way through the process.

Upon motion by Commissioner Yagi, seconded by Commissioner Damron, the sum of \$784.00 plus tax was unanimously approved for additional work for the analysis of the complaints that went completely through the administrative process.

Seminar V

The Commission recommended that the title of Seminar V be amended.

Upon motion by Commissioner Blanco, seconded by Commissioner Yagi, JoJean Schieve was approved as the course instructor for Seminar V.

Laws and Rules Review Committee Report

The minutes of the Laws and Rules Review Committee meeting were distributed to the Commissioners.

Upon motion by Commissioner Kawakami, seconded by Commissioner Yagi, the minutes of the Laws and Rules Review Committee were unanimously approved.

Instructors and Real Estate Schools Certification

Upon motion by Commissioner Yagi, seconded by Commissioner Takeya, Pence School of Real Estate was unanimously approved.

Upon motion by Commissioner Takeya, seconded by Commissioner Kawakami, instructor certification for Michael Pence was unanimously approved.

Staff Salaries

Upon motion by Commissioner Takeya, seconded by Commissioner Yagi, the consultant contracts for the Educational Office staff were unanimously approved.

New Business:

LICENSING

Corporation

Mililani Rentals & Sales, Inc. - 95-390 Kuahe-
Vernon W. York, pb lani Ave. Mililani

Marsha Stern, Inc. - 4211 Waiialae Ave., Ste 111
Marsha Stern, pb Hon.

Tri-Partners Development, Inc. - 614 Kilauea Ave.
Andrew K. Okubo, pb Hilo

Branch Office

TheoDavies Realty, Inc. - 15 Makawao Ave.
Darrel Mattos, bic Pukalani

Thomas R. Weightman dba Foxfire Realty -
75-5725 Alii Dr., Ste 5, Kailua-Kona
Pearlene M. Gifford, bic

Tradenname

Judee Atkins, Real Estate Broker - Judith A.
Atkins, dba

Cornell Realty - Craig S. Cornell, dba

Cuccaro & Associates - William J. Cuccaro, dba

Mid-Pacific Isles Realty - Roland A. Bueno, dba

Edward F. Pickett Associates - Edward F.
Pickett, dba

Corporation Name Change

Century 21 American Homes, Inc. - formerly
Century 21 Tia Nakanelua, Inc.

Hawley-Togawa, Inc. - formerly Century 21
American Homes, Inc.

Pacific Coast Properties, Ltd. - formerly
Timberlake & Associates, Inc.

DBA Name Change

Equity Investment Properties - formerly Equity
Investments

Jacob M. Manegdeg, Broker - formerly JM Realty
Co.

The Commission reviewed the list of new corporations, branch offices, tradenames, corporate name changes and DBA name changes for the month of July.

Restorations

Alyce Patterson (b)

The Commission requested that Alyce Patterson provide additional information to show her real estate activity and education during the period of forfeiture.

Mason Seibel (s)

The Commission reviewed the statement submitted by the applicant.

Upon motion by Commissioner Kawakami, seconded by Commissioner Takeya, it was unanimously decided that the application for restoration be approved only upon passing the real estate licensing examination and that the Commission waive the education requirement and allow the applicant to take the examination.

Peri Lynn Stone (s)

The Commission reviewed Mr. Stone's statement, however, his statement did not show sufficient knowledge in real estate through real estate activity or education.

Upon motion by Commissioner Blanco, seconded by Commissioner Kawakami, it was unanimously decided that the application of Peri Stone be approved only upon passing the real estate licensing examination and that the Commission waive the education requirement and allow the applicant to take the examination.

Reconsideration

William Fannemel

The Commission reviewed the letter sent by Mr. Fannemel. When Mr. Fannemel's application was reviewed at the June meeting, his letter of March 31, 1983, also was reviewed by the Commission. At that time his status as a real estate salesman was disclosed to all the Commissioners. The Commissioners were aware that he was a licensed salesman and he was seeking restoration as a salesman and not as a licensed broker. In addition, his application for restoration was reviewed at the meeting and on said application he had checked that he was seeking restoration of his salesman license.

Upon motion by Commissioner Blanco, seconded by Commissioner Takeya, it was unanimously decided to affirm the prior Commission action and deny Mr. Fannemel's application for reconsideration.

Zina Dunmore

The Commission reviewed Ms. Dunmore's letter of July 19, 1983. The letter of the applicant was insufficient to demonstrate the applicant had sufficient knowledge of real estate through her real estate activity or real estate education.

Upon motion by Commissioner Blanco, seconded by Commissioner Kawakami, the prior Commission action to grant restoration only upon taking and passing the licensing examination was affirmed.

Arlene Patterson

Executive Secretary reported that the licensing administrator will have the fee applied to the 83-84 renewal period instead of reimbursing her fee.

Dorothy L. D. Gibson

This matter was deferred until the August meeting at which time Dorothy Gibson's counsel will also be present to argue the recommended order of the Hearings Officer in the matter of her late application.

Next Meeting: August 26, 1983

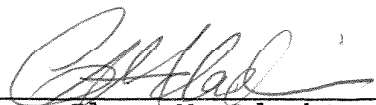
Adjournment: There being no further business, the meeting was adjourned at 1:15 p.m.

Taken and recorded by:



Saeko Whang, Secretary

and



Glenn M. Adachi
Executive Secretary