

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

MINUTES OF MEETING

Date: Friday, September 30, 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  
Gregg T. Yamanaka, Member

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

Robert Fishman, Consultant  
Sheila Lau, Director, SBMP, Univ. of Hawaii  
Robert Alm, Hearings Officer  
Virginia Lea Crandall, Hearings Officer  
James Danmiller of SMS Research  
Robert Freeman, Real Estate Recovery Fund Claimant  
Russell W. O. Lum, Deputy Attorney General

Absent: Constance B. Smales, Member

Call to Order: The meeting was called to order by Chairman  
G. A. "Red" Morris at 9:05 a.m.

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

Minutes: Upon motion by Commissioner Kawakami, seconded  
by Commissioner Shiroma, the Commission unani-  
mously approved the minutes of August 26, 1983,  
as circulated.

Addendum to Agenda: Upon motion by Commissioner Shiroma, seconded  
by Commissioner Takeya, the Commission unanimously  
added the following items to the agenda.

1. Hearings Officer Report

RE-81-192 Phillip Minn (Settlement)

RE-81-182 Ernest and Molleen Kealoha  
RE-LIC-83-31 Patricia Saiki  
RE-LIC-83-26 Jane S. Kekel  
RE-LIC-83-27 Carolyn Fanene

2. Instructor Certification

Joseph K. K. H. Paikai (s)  
Delene Holt (b & s)

3. Annual Report

WRW, Inc. - Increase contract price to  
\$700 - due to increase in number of pages

4. Request for Waiver

Jeffrey R. Stone  
Patricia Lewis

5. Real Estate Recovery Fund

Civil No. 72955  
Darryl D. Perry, Solette H. Perry and  
Jeffrey Akamine v. Gerald R. Wong, W.W.  
Investors One, Jerry Wong and Associates,  
Inc., Francis Wong, John Does 1-20, and  
John Does Entities 1-20.

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 action.

RE-82-89 Donald T. Inouye

Upon motion by Commissioner Blanco, seconded by  
Commissioner Yagi, the Commission unanimously  
approved Hearings Officer's Recommended Order  
of the Settlement Agreement for revocation of  
Respondent's real estate broker license on the  
basis for failure to account.

RE-81-175, RE-81-202, RE-81-212 Dennis Lopes

Upon motion by Commissioner Shiroma, seconded by  
Commissioner Yagi, the Commission unanimously  
approved Hearings Officer's Findings of Fact,  
Conclusions of Law and Recommended Order for  
revocation of Respondent's real estate license.

RE-LIC-83-25 Donna Ann Feinhandler

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 for denial of the petition.

RE-LIC-83-28 Alan E. Lee

Upon motion by Commissioner Blanco, seconded by Commissioner Yagi, the Commission unanimously approved Hearings Officer's Recommended Order that the petition be dismissed, without prejudice.

RE-81-109, RE-82-67 Clarence M. Okura

Upon motion by Commissioner Shiroma, seconded by Commissioner Yagi, the Commission unanimously approved Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order for revocation of Respondent's real estate salesman license.

RE-82-127 Terry Lentz

Upon motion by Commissioner Shiroma, seconded by Commissioner Yagi, the Commission unanimously approved the Settlement Agreement as recommended by Hearings Officer for Respondent to pay a fine of \$200 within 30 days from receipt of final order.

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

Bomani Kim's license has been revoked. This is only a progress report.

RE-LIC-83-11 Patricia Saiki

Upon motion by Commissioner Yagi, seconded by Commissioner Kawakami, the Commission unanimously accepted the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order for approval of the petition.

RE-LIC-83-26 Jane S. Kekel

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

RE-LIC-83-27 Carolyn Fanene

Commissioner Blanco moved and Commissioner Yagi seconded to accept Hearings Officer's Recommended Order of Dismissal and grant Carolyn Fanene 60 days from date of final order for reinstatement of request. Motion carried unanimously.

RE-81-182 Ernest and Molleen Kealoha

Commissioner Blanco moved and Commissioner Yagi seconded to accept the Hearings Officer's Recommended Order for dismissal of the petition due to refusal of the complainants to appear and testify in the matter. Motion carried unanimously.

RE-81-192 Phillip Minn

Upon motion by Commissioner Damron, seconded by Commissioner Yagi, the Commission unanimously approved the Settlement Agreement and ordered Respondent to pay a fine of \$1,000 and restitution of \$1,000 to Complainant within 30 days from receipt of the final order.

Executive Session: At 11:00 a.m, Commissioner Blanco moved and Commissioner Shiroma seconded to go into executive session to consult with the Commission's attorney and Hearings Officer concerning pending proceedings. Motion carried unanimously.

Out of Executive Session: At 11:20 a.m., Commissioner Shiroma moved and Commissioner Blanco seconded to move out of the executive session and into the regular meeting. Motion carried unanimously.

Committee Reports: Real Estate Education Committee Report

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

Education Committee Meeting

Education Committee Chairman Joseph Blanco requested that Commission expend funds to bring the neighbor island Commissioners to its meeting on October 19, 1983. Commissioner Shiroma seconded the request and carried unanimously.

Laws and Rules Review Committee Report

Upon motion by Commissioner Kawakami, and seconded by Commissioner Yagi, the minutes of the Laws

and Rules Committee meeting of September 29, 1983 was approved as circulated. Motion carried unanimously.

Amendments to §§467-9 -14 and -26, HRS

The following three proposed amendments were discussed.

1. Use of broker's name and the name of the corporation.
2. Expanding disciplinary action for violations of condo law, timeshare law, subdivision law and discrimination law.
3. Clarification of the amount for each violation.

Upon motion by Commissioner Kawakami, seconded by Commissioner Shiroma, the Commission unanimously approved the proposed amendments.

Fee Splitting with Foreign Brokers

Commissioner Yagi reported on a few of the other states statutes regarding splitting of fees with foreign brokers. He read excerpts from the Florida law which he suggested the Hawaii Commission could follow.

Following a lengthy discussion, Commissioner Shiroma moved and Commissioner Kawakami seconded to have Cynthia Alm draft amendment to §467-14(13) based on the Florida law. Motion carried unanimously.

Condominium Seminar

Commissioner Yamanaka reported on the seminar he and Russell Lum attended in Philadelphia. He stated that Hawaii has the "first generation" condo statute. There are second and third generation statutes.

Following discussion, the Commission concurred that the entire Chapter 514-A should be amended.

The Commission gave authorization to Commissioner Yamanaka to explore with the Bar Association on the formation of a study group on the matter.

Research Center and Chairholder

Oral report on the trip to Ohio and Texas was given by Gloria Damron.

Item Writing Workshop

Following discussion, Commissioner Blanco moved and Commissioner Shiroma seconded to approve payment of \$50 honorarium fee per person. There will be 10 item writers and 7 reviewers. ETS will fund \$1,200 and the State will match like amount. Motion carried unanimously.

Annual Report

Upon motion by Commissioner Blanco, seconded by Commissioner Damron, the Commission unanimously approved additional payment of \$700 due to increase in number of pages for the annual report.

NARELLO Meeting in Orlando, Florida

Chairman Morris stated that the Hawaii Real Estate Commission should go to the conference uncommitted as to the nomination of President-elect of NARELLO.

Instructor Certification

Cynthia Alm, Information Officer, summarized the following instructor applications:

Joseph K. K. H. Paikai (s)

Upon motion by Commissioner Kawakami and seconded by Commissioner Takeya, the Commission unanimously approved Joseph Paikai's application for certification as a real estate salesman instructor.

Delene Holt (b & s)

Upon motion by Commissioner Takeya and seconded by Commissioner Kawakami, the Commission unanimously approved certification of Delene Holt's application for real estate broker and salesman instructor.

Upon motion by Commissioner Shiroma, seconded by Commissioner Blanco and unanimously carried, the following two items were added to the agenda.

Request from RICO to send Investigator to Investigator Training Course

Russel Nagata, Complaints and Enforcement Officer, requested that Commission fund one RICO investigator to attend the Investigator Training Course in Atlanta, Georgia, on October 24-26, 1983.

Upon motion by Commissioner Shiroma, seconded by Commissioner Bianco, the Commission unanimously approved the request to send one investigator.

Chairman Morris relinquished the Chair to Vice Chairman Shiroma to conduct the remainder of meeting.

SMS Research Study

The Commission received the final report from James Danmiller who summarized the report on the SMS study on complaints for the past five years.

New Business:

LICENSING

Don Alders Realty, Inc. - West Maui Ctr, #12  
Honoapiilani Hwy, Lahaina  
Donald G. Alders, pb

CMV, Inc. - 1450 Ala Moana Blvd. #3200, Hon.  
Egan K. Nishimoto, pb

Daruma Services, Inc. - 1451 S. King St., #302  
Darrlyn T. Bunda, pb Hon.

Dempsey West Properties, Inc. - 98-1247 Kaahumanu  
James A. West, pb St, #214, Aiea

The Hawaii Land Realty Corporation dba The  
Hawaii Land Realty Company - Hilo Lagoon Hotel  
101 Aupuni St., #111, Hilo  
Robert J. Williamson, pb

Kessler Realty Corp. - 1188 Bishop St., #2707  
Donald A. Kessler, pb Hon.

Old Hawaii Realty Corporation - 75-5744 Alii Dr.  
Jay Maxner, pb Ste 243 Kailua-Kona

Paxton Enterprises, Inc. dba Paxton Properties -  
22 So. Hana Hwy, Kahului  
Cathryn Y. Paxton, pb

Pua'ahala Realty, Inc. - Alamalama St., P. O.  
Box 727, Kaunakakai  
Stanley R. Alapa, pb

Seaside Properties, Inc. - 733 Bishop St., Ste  
Wilfred H. S. Lau, pb 1555, Hon.

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

VPR, Inc. dba Hoku Management - 629-A Kailua Rd,  
Virginia L. Waracka, pb Rm 5, Kailua

Branch Office

CMV, Inc. - 1441 Kapiolani Blvd. #1010, Hon.  
Raphael Martin, bic

CMV, Inc. - 1585 Kapiolani Blvd, #940, Hon.  
Susan Sublett, bic

Tradenname

Americorp International - Bruce R. Travis, dba

Dolores M. Cerny, Realtor - Dolores M. Cerny,  
dba

Homeowners Realty - Clarence Blizzard, dba

Kathy Linaker - Kathleen M. Linaker, dba

Luria & Associates, - Mark T. Luria, dba

Metropolitan Management - James E. Kolonick, dba

P & P Realty - Joseph K.K.H. Paikai, dba

Volcano Realty - Victor J. Pisciotta, dba

Corp. Name Change

Lowson & Riley, Incorporated - formerly Dyck &  
Lowson Incorporated

DBA Name Change

Classic Homes of Hawaii - formerly Homeowners  
Realty

Tropical Realty - formerly Ronald H.B. Kim Realty

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



Restorations

Dorothy Uwekoolani

Upon motion by Commissioner Damron, seconded by Commissioner Yagi and unani- mously carried, the Commission approved Dorothy Uwekoolani's real estate broker license subject to payment of back fees and fine.

Julianne T. Leon

Upon motion by Commissioner Yagi and seconded by Commissioner Damron, the Commission unanimously approved Julianne Leon's real estate salesman license subject to payment of back fees and fine.

Carl Hodel

Upon motion by Commissioner Blanco and seconded by Commissioner Takeya, the Commission unanimously approved Carl Hodel's real estate salesman license subject to his taking the RECCAL course within the next 3 months and payment of back fees and fine.

Eugene Axelrod

Upon motion by Commissioner Blanco and seconded by Commissioner Yagi, the Commission approved Eugene Axelrod's real estate salesman license subject to his taking the RECCAL course and payment of back fees and fines. Motion carried unanimously.

Michael Robert Bell

Executive Secretary was directed to request for additional information on the number of transactions, etc.

Lynn D. Coon (Yee)

Following discussion, Commissioner Blanco moved and seconded by Commissioner Damron to deny Lynn Coon's real estate salesman license but allow her to sit for the licensing examination with waiver of the education requirement for one time only. Motion carried unanimously.

Velma Lee Shirley Magoon

Acting Chairman Shiroma abstained on this matter for possible conflict of nature. Commissioner Blanco temporarily chaired on this matter.

Upon motion by Commissioner Yagi and seconded by Commissioner Kawakami, the Commission unanimously denied Velma Magoon's real estate salesman license but will allow her to take the licensing examination one time only with waiver of the education requirement.

Robert W. Hastings II

Robert Hastings is asking for reconsideration since he filed his license after the deadline.

Following discussion, Commissioner Blanco moved and Commissioner Damron seconded to deny his request for reconsideration. Motion carried unanimously.

Steve Marc Rosen

Upon motion by Commissioner Yagi and seconded by Commissioner Blanco, the Commission unanimously approved Steve Rosen's real estate broker license subject to his taking the RECCAL course within 3 months.

Miscellaneous:

Stephen Ozimec - Request for Waiver

Stephen Ozimec is requesting for waiver of the exam since he completed the real estate course. However, Ozimec had taken and passed the salesman examination without first qualifying the educational requirement.

Upon motion by Commissioner Damron and seconded by Commissioner Blanco, the Commission unanimously denied Ozimec's request for waiver of the examination.

Patricia Lewis - Request for Waiver of Salesman Experience

The Executive Secretary reported that according to the Licensing Branch records, Patricia Lewis

did not notify the Commission when she changed from one broker to another. Because of this, by Commission Rule §16-99-24(c)(1), she did not receive certain experience time toward the broker requirement. She desired to have her case reviewed by the Commission.

Following discussion, Commissioner Takeya moved and seconded by Commissioner Yagi to deny request for waiver for time she was with Real Estate Gallery. Motion carried unanimously.

Jeffrey R. Stone - Request for Waiver

Following discussion, Commissioner Yagi moved and Commissioner Damron seconded to deny Jeffrey Stone's request for waiver for the time his principal broker's license was in forfeiture status. Stone had submitted additional experience and education. Motion carried unanimously.

Klaus D. Conventz

Conventz is requesting 1 1/2 years waiver based on his experience in Germany.

After discussion, Commissioner Damron moved and Commissioner Blanco seconded to deny Conventz's request for waiver. Motion carried unanimously.

ETS Irregularity Report

Commissioner Blanco moved and Commissioner Takeya seconded to accept the ETS irregularity report on Thomas Petty but requested a letter of clarification as to how far ETS will go to back up the case.

Real Estate Recovery Fund Payments

Civil No. H82-4413, Freeman vs. Grady, et al

Executive Secretary reported that Commission received a court order directing payment from the Real Estate Recovery Fund to pay Robert S. Freeman the sum of \$4,621.29.

Upon motion by Commissioner Blanco and seconded by Commissioner Takeya, the Commission unanimously approved payment from the Recovery Fund.

Civil No. 72955, Darryl D. Perry, Solette H. Perry and Jeffrey Akamine vs. Gerald R. Wong, et al

Commission received a court order directing payments of \$7,122.60 to Darryl Perry and Solette Perry and \$6,622.50 to Jeffrey Akamine from the Real Estate Recovery Fund.

Commissioner Damron moved and Commissioner Kawakami seconded to approve payment from the Recovery Fund; however, the Executive Secretary was requested to check with Sidney Ayabe, Real Estate Recovery Fund counsel, who the judgment is against. Motion carried unanimously.

New Cases

For informational purpose, Executive Secretary circulated 3 new possible cases filed against the real estate recovery fund.

1984 Commission Meeting Dates

The Commission approved tentative 1984 Commission dates as circulated excepting the months of March, November and December. The March meeting (to be held either in Hilo or Kona) will coincide with the seminar with Dr. Ordway as guest speaker.

Assign Judgments to Collection Agent

Upon motion by Commissioner Blanco and seconded by Commissioner Takeya, the Commission unanimously added the following matter to the agenda.

Executive Secretary requested an official approval from the Commission to assign the recovery fund judgments to the collection agency for collection.

Upon motion by Commissioner Blanco and seconded by Commissioner Takeya, the Commission unanimously assigned judgments to Reliable Collection Agency.

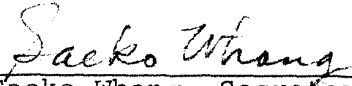
Next Meeting:

October 28, 1983  
Board Room

Adjournment:

There being no further business to transact, the meeting was adjourned at 1:10 p.m.

Taken and recorded by:

  
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Saeko Whang, Secretary

APPROVED:

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