

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

MINUTES OF MEETING

Date: Friday, December 21, 1984

Place: Board Room, 1010 Richards St.
Kamamalu Building, Honolulu, HI

Present: G. A. "Red" Morris, Chairman
Joseph F. Blanco, Member
Gloria J. Damron, Member
Constance B. Smales, Member
Douglas R. Sodetani, Member
Yukio Takeya, Member

Janice Sevilla, Education Officer
Cynthia Yee, Information Officer
Glenn M. Adachi, Executive Secretary
Saeko Whang, Secretary

Virginia Lea Crandall, Hearings Officer
Rodney A. Maile, Hearings Officer
Marcus Nishikawa, HAR President
Eileen Luko, HAR Education Officer
Dr. George Ikeda, Consultant
Dr. Robert Allen, Consultant
Michael Lilly, Attorney General
Ward Jones, Special Deputy Attorney General
Jim Ambrosia, pb of Pearlridge Realty
Paula Zacharias, Applicant for License
Rick Finkelstein, Applicant for License

Excused: Toru Kawakami, Vice Chairman
Peter N. Yanagawa, Member
Gregg T. Yamanaka, Member

Call to Order: There being a quorum present, the meeting was called to order at 9:15 a.m. by Chairman G. A. "Red" Morris.

Notice of Meeting: The notice of meeting was filed in the Office of the Lt. Governor on December 14, 1984.

Minutes: Upon motion by Commissioner Sodetani, seconded by Commissioner Blanco, the Commission unanimously approved the minutes of November 16, 1984 as circulated.

Hearings Officers' Reports: CON-77-17 McCormack Corporation, McCormack Management Group, Ltd., and Michael T. McCormack

Commission went into executive session on this matter pursuant to Chapter 92-4 to consult with the Attorney General.

Following the executive session, Commissioner Sodetani moved and Commissioner Smales seconded to adopt the settlement agreement. Respondent, McCormack Management Group, Ltd.'s license to be revoked and Respondent is to pay \$20,000 to the Real Estate Education Fund, payable \$1,000 per month beginning January 1, 1985. Chairman Morris abstained from voting. Motion carried.

RE-LIC-94-4 Orin F. Hakoda

Upon motion by Commissioner Sodetani, seconded by Commissioner Smales, the Commission unanimously accepted Hearings Officer's recommendation not to grant any extension of time to file the petition.

RE-83-147 Isabella Madeira dba Anchor Estate

Upon motion by Commissioner Takeya, seconded by Commissioner Blanco, the Commission unanimously accepted Hearings Officer's recommended order that Respondent Isabella Madeira's broker license be suspended for a period of 30 days from the date of order, pay a fine of \$500 and that she attend the RECCAL course.

RE-84-184 Joan Benson dba Joan Benson Realty

Upon motion by Commissioner Sodetani, seconded by Commissioner Blanco, the Commission unanimously approved the settlement agreement and ordered Respondent to pay a fine of \$250 within 30 days from the date of order.

RE-83-200 Brian Moore

Commissioner Damron moved and Commissioner Smales seconded not to approve the settlement agreement and about the non publication of violation in the News Bulletin. Motion carried unanimously.

RE-81-209 James W. Chase

Upon motion by Commissioner Takeya, seconded by Commissioner Smales, the Commission unanimously accepted the settlement agreement and ordered the Respondent's real estate broker license to be revoked.

Personal
Appearances:

Late Applications:

Paula Zacharias

Applicant appeared before the Commission on this matter.

Commissioner Smales moved and Commissioner Blanco seconded that Zacharias is to provide proof that funds were in bank on the day payment was made. Motion carried unanimously.

Rick Finkelstein

Upon motion by Commissioner Takeya, seconded by Commissioner Blanco, the Commission unanimously denied restoration of Finkelstein's license.

Tezeon Y. Wong

It was moved by Commissioner Blanco, seconded by Commissioner Takeya and carried to add the above matter to the agenda.

Principal broker of Pearlridge Realty, Jim Ambrosia, appeared in behalf of Tezeon Wong.

Having heard Mr. Ambrosia's statements, Commissioner Takeya moved and Commissioner Smales seconded to deny Wong's restoration of his license, citing previous precedence. Motion carried unanimously.

Committee
Reports:

Education Committee

Resource Center

Dean David Bess' memorandum recommended that Commission approve the revisions he submitted regarding the Resource Center subject to industry's input.

Licensee Survey

Education Officer Jan Sevilla reported that, to date, there were 172 responses to the Licensee Survey. For the study project, the Commission requires 1,500 responses. Commissioner Sodemani suggested that Education Officer call the various HAR island boards to get the responses in.

Upon motion by Commissioner Blanco, seconded by Commissioner Sodetani, the Commission unanimously approved the minutes of the Education Committee meeting.

Laws and Rules Review Committee

Information Officer Cynthia Yee had circulated earlier the draft report on Methods to Clarify the Exemption of Hotel Operations.

Having reviewed the report, Chairman Morris requested a redraft by next Monday to include definitions of hotel, zoning and building.

Upon motion by Commissioner Blanco, seconded by Commissioner Sodetani, the Commission unanimously approved the report subject to the above inclusions.

Legislation

The Commission reviewed the proposed legislation regarding conversion as an additional ground for revocation and suspension of license and further reviewed the present grounds for revocation of license to be applied to licensee's personal real estate transaction subject to the following change:

Change (15) to (16) on additional grounds for revocation.

The Commission also reviewed the reports on Methods to Clarify the Exemption of Hotel Operations and the Residential Property Transfer Code and voted to transmit both reports plus the proposed legislation to the Legislature as a packet.

Upon motion by Commissioner Blanco, seconded by Commissioner Sodetani, the Commission unanimously approved to submit the legislative packet subject to the following changes:

Residential Property Transfer Code

On page 62, section (g) ". . . reviewed by the broker, of the licensee assisting in the preparation of the offer, express . . ."

On page 66, No. 6, subsection (g) ". . . reviewed by the broker which may include the principal broker, broker-in-charge, or authorized broker licensee." (Delete the last part of the sentence.)

Residential Property Transfer Code

Following discussion, Commissioner Smales moved and Commissioner Blanco seconded to refer the guidelines to the Education Committee for review and implementation to be incorporated into the curriculum. Motion carried unanimously.

Upon motion by Commissioner Smales, seconded by Commissioner Blanco, the Commission unanimously approved to refer changes to §16-99-3 to the Laws and Rules Review Committee.

Commission thanked Commissioner Smales, Chairperson of the Advisory Committee, for doing an outstanding work on the Report of the Residential Property Transfer Code.

Fidelity Bond

A special meeting will be called early in January on this matter.

Clients' Account

This matter had been tabled.

Upon motion by Commissioner Blanco, seconded by Commissioner Takeya, the Commission unanimously approved the Laws and Rules Review Committee report.

New Business:

LICENSING

Corporation

Cheeco, Inc. dba Laau Realty Company - 1001
Bishop St., Ste 1100, Hon.
William K. M. Chee, pb

de Beer Realty, Inc. - 33 Lono Ave., Ste 170
Gerri de Beer, pb Kahului

Hanalei Aloha Rental Management, Inc. - 5-4280
Kuhio Hwy, Bldg B, Hanalei
Joan P. Blake, pb

Pacific Resorts of Hawaii, Ltd. - 841 Bishop St.,
Gordon M. Hess, pb Ste 2005, Hon.

Trans-Con Real Estate, Ltd. - 510 Piikoi St.,
Darrell W. Mattos, pb Rm 204, Hon.

Partnership

North Shore Realty - 59-712 Kam Hwy, Haleiwa
Elaine I. Niimi, pb

DBA Name Change

Area Investments - formerly Area Specialists
(Edmund L. Lee, Jr. dba)

Tradenname

BAM Realty Co. - Bruce A. Masunaga, dba

Barton Real Estate - Barton M. Schwartz, dba

Dora Lin Realty - Der-Rong Lin, dba

H.Y. Louie Realty - Leland H.Y. Louie, dba

Mayfair Management - Bill T. Ho, dba

McCloskey & Company, Realtors - Sandra W.
McCloskey, dba

Pacific Island Business Brokers - Richard L.
Frunzi, dba

James Tateishi, Realtors - James M. Tateishi,
dba

The Commissioners reviewed the list of new corporations, partnership, dba name change and tradenames for the month of December.

Restorations

Upon motion by Commissioner Takeya, seconded by Commissioner Smales, the matter of Elizabeth Bright's restoration of license was added. Motion carried unanimously.

Joel C. Blakeley
Ethel L. Moore

Upon motion by Commissioner Takeya, seconded by Commissioner Blanco, the Commission

unanimously approved restoration to the above two individuals subject to their taking and passing the licensing examination.

Elizabeth L. Bright
Charles F. K. Bonnet
Joseph P. Cooke, Jr.
ZoeVae H. Holidae
Emerick H. Ishikawa
Mary Ann S. S. Lee
Ronald K. Mulligan
Edison C. Robinson

Upon motion by Commissioner Takeya, seconded by Commissioner Blanco, the Commission unanimously required the above individuals to take the RECCAL course as a condition for reinstatement of their licenses.

Charles K. Torigoe

Upon motion by Commissioner Takeya, seconded by Commissioner Blanco, the Commission unanimously approved to restore the real estate license of Charles Torigoe on the basis that the Commission rules have an exemption for public officials.

Consultants'
Report:

Study Report on S.R. 158

Drs. George Ikeda and Robert Allen had submitted for Commission review and comments a draft of the summary report in response to S.R. 158.

Dr. Ikeda spoke on the regulatory functions stating that staff conditions have improved since the last report in 1981; however, there is a need to improve coordination to better service the licensees and the general public by consolidating other real estate related activities, i.e., time share and subdivision.

Dr. Robert Allen spoke on amendments to Chapter 467 to increasing licensee contribution to the education fund from the initial license fees and biennial renewal fees.

Upon motion by Commissioner Smales, seconded by Commissioner Takeya, the Commission unanimously adopted the study report subject to review and comments by the Director and Deputy Director.

HAR representative Marcus Nishikawa requested a copy of the study report be sent to them.

Miscellaneous: Michele R. Fukuda - Payment of Fine (RE-82-76)

Respondent Michele Fukuda did not pay the fine of \$750 on the due date as required on the order, therefore her license was suspended for one year.

Following discussion, Commissioner Smales moved and Commissioner Blanco seconded to affirm Commission's previous action and continue the suspension of her license for the full term of the suspension. Commissioner Takeya abstained from voting. Motion carried.

Reconsideration Request for Restoration


Elbridge W. Smith

Following discussion, Commissioner Blanco moved and Commissioner Takeya seconded to approve request for reconsideration for restoration of Elbridge Smith's real estate license. Motion carried unanimously.

Next Meeting: January 25, 1985, 9:00 a.m.
Board Room


Adjournment: There being no further business, the meeting was adjourned at 12:10 p.m.

Taken and recorded by:



Saeko Whang, Secretary

APPROVED:



CYNTHIA M. L. YEE
Acting Executive Secretary