

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

MINUTES OF MEETING

Date: Friday, April 26, 1985

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

Present: G. A. "Red" Morris, Chairman
Toru Kawakami, Vice Chairman
Joseph F. Blanco, Member
Gloria J. Damron, Member
Constance B. Smales, Member
Yukio Takeya, Member
Gregg T. Yamanaka, Member
Peter N. Yanagawa, Member

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

Virginia Lea Crandall, Hearings Officer
Eileen Luko, HAR Education Officer
Cedric Chun, Complainant against Sam Daily
Darryl Teruya, Staff Attorney for DCCA/RICO
Tom Kaser, Advertiser Reporter
Kelley Dean, Channel 4 News Reporter
Cameraman
Eric Seitz, Respondent's Attorney
Victoria Marks, Supervising Attorney for DCCA/RICO
Alfred Costa, RICO Division Administrator
Violet King, Observer

Call to Order: There being a quorum present, the meeting was called to order at 9:10 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 April 17, 1985.

Minutes: Upon motion by Commissioner Takeya and seconded by Commissioner Blanco, the minutes of the March 29, 1985 meeting were unanimously approved.

Additions to Agenda: Upon motion by Commissioner Blanco and seconded by Commissioner Takeya, the Commission unanimously approved to add the following items to the agenda:

Restoration

Wendel M. Ishida

Questionable Name Application for Broker License

Luke & Jones, Inc.

Dennis Grady

Discharge of Order of Revocation

Oral Argument:

RE-80-155, RE-81-211, RE-82-135 and RE-83-63, In the Matter of the Real Estate Broker License of Sammy G. Daily and the Real Estate Corporation License of Sam Daily Realty, Inc.

Commissioner Smales excused herself from deliberations in this matter.

Written exceptions and statements in support were received and distributed to the Commissioners prior to the meeting for their review.

The Commission heard oral arguments from the Respondent's attorney and the State's attorney. Questions were asked of both attorneys by the Commission.

After questions, Commissioner Takeya moved to adopt the Hearings Officer's findings of fact and recommended order. Commissioner Blanco seconded the motion. The Commission discussed the State's attorney's recommendation that the order should clarify that the sanctions apply based on the findings in each case. Commissioner Takeya withdrew his motion and Commissioner Blanco withdrew his second.

Commissioner Yamanaka moved to adopt the Hearings Officer's findings and recommended order with the provision that the order be modified to clarify that the sanctions imposed against the licensee be applied to the findings in each case.

The motion was seconded by Commissioner Takeya and all members except Commissioner Smales (who was excused) voted for the motion.

Hearings Officer's Reports:

RE-84-223 Patricia N. Mims, dba Pat Mims

Commissioner Takeya moved to approve the settlement agreement. The motion was seconded by Commissioner Smales and unanimously approved.

RE-83-11, RE-83-88 Rudy T. Hirota

Motion for Dismissal as to Kenneth B. Griffin

Chairman Morris and Commissioner Takeya excused themselves from deliberations in this matter. Commissioner Blanco moved to approve the motion to dismiss Kenneth B. Griffin. Commissioner Damron seconded the motion and the Commission unanimously approved the motion.

RE-84-211 MDR Development Co.

Commissioner Smales moved to approve the settlement agreement. The motion was seconded by Commissioner Blanco and unanimously approved.

Committee Reports: Education Committee

The Commission reviewed the minutes of the Education Committee held on April 19, 1985 and the Education Officer's report for the month of April.

H. Brian Moore

Mr. Moore requested that he be allowed to take the Professional Conduct Conference on June 8 in place of the RECCAL course. After discussing the matter, Commissioner Blanco made a motion to deny Mr. Moore's request. The motion was seconded by Commissioner Kawakami and unanimously approved.

Chairholder

Ed Laitilla from the U.H. College of Business discussed the search for a chairholder. None of the previous chairholders were available to come next year. The name of Dr. Norman Miller was suggested to the Commission. Commissioner Smales moved to authorize the Education Committee to decide on the chairholder for the next school year. The motion was seconded by Commissioner Takeya and unanimously approved.

Legislation Update

The Information Officer distributed a status report on bills and resolutions that affect the real estate industry and licensing.

New Business: Request for Return of Check by Lee Small

The Commission reviewed the letter from Lee Small dated March 25, 1985, requesting refund of his

license fee. The Commission did not believe the fee was erroneously paid as required for a refund under §467-11. Upon motion by Commissioner Kawakami, seconded by Commissioner Takeya, the Commission unanimously decided not to refund the license fee.

LICENSING

Corporation

Financial Profiles, Inc. - 1100 Ward Ave. #865
Frederick K. Hirayama, Jr., pb Hon.

First M-RE Unlimited, Inc. dba Rita Wong Realty -
99-128 Aiea Hts Dr., Ste 703, Aiea
Rita Wong, pb

Lawai Beach Realty Co., Inc. - 2301 Kuhio Ave.
Kathleen K. R. Bates, pb #302, Hon.

Maui Beachfront Rentals, Inc. - 1993 S. Kihei Rd.
James J. McCartin, pb Kihei

Kazuo Omiya, Inc. - 1150 So. King St., #901-A
Kazuo Omiya, pb Hon.

The Property Managers, Ltd. - 4747 Kilauea Ave.
Alba J. Trebor-MacConnell, pb #206, Hon.

Rapid Systems, Inc. - 444 Hobron Lane #205, Hon.
Hillery A. Johnston, pb

Sterman Realty, Inc. - 1856 Kalakaua Ave., Ste
Richard D. Sterman, pb 204, Hon.

Tradenname

Alconcel Realty - Cecilio A. Alconcel, dba
225 Queen St., #8H, Hon.

Bennee & Associates - Peter J. Bennec, dba
512 Ala Moana Blvd, Hon.

John S. Fenton, Realtor - John S. Fenton, dba
4614 Kilauea Ave., #430, Hon.

Frey & Co. Realty - Carl M. Frey, dba
4614 Kilauea Ave. #530, Hon.

Jim's Investment Management - Jim C. Turner, dba
1610 Kanunu St., #B, Hon.

Gert Kiep Realty - Gert K. Kiep, dba
1993 S. Kihei Rd., Kihei

Mike Kim Realty - Michael C. Kim, dba
1650 Liliha St., Rm 205, Hon.

Ernest J. Kurlansky Realtor - Ernest J.
Kurlansky, dba, Lot #3 Mamalahoa Hwy, Kamuela

Walter T. Nagao Realty - Walter T. Nagao, dba
98-084 Kam Hwy, #204, Aiea

Mary W. Pablo, Broker - Mary W. Pablo, dba
915 Fort St., 10th Flr, Hon.

Robbins Realty - Shaunagh G. Robbins, dba
841 Bishop St., #2220, Hon.

John D. Russell Realty - John D. Russell, dba
1188 Bishop St., #3408, Hon.

Sand Realty - Bryson E. Hickman, dba

RB Shaver & Associates - Robert B. Shaver, dba
841 Bishop St., #2005, Hon.

Corp. Name Change

Kim Enterprises, Ltd. - formerly Kim Properties,
Inc.

Questionable Name Application for Corporate
License

Luke & Jones, Inc.

A motion was made by Commissioner Blanco
and seconded by Commissioner Kawakami
that the license application of Luke &
Jones, Inc. be approved. Commissioner
Yamanaka and Smales voted no; all other
Commissioners voted yes.

Restorations

Catherine M. Donovan
Raymond E. Douglass
Robert S. Moore
James C. Rumley
Michael K. H. Wong
Wendell Ishida

The Commission reviewed each of the letters that was submitted with the respective applications. None of the letters demonstrated the applicants had maintained their knowledge of real estate during the period of forfeiture. Upon motion by Commissioner Kawakami and seconded by Commissioner Takeya, the Commission unanimously decided that all the applicants take the RECCAL course.

Miscellaneous:

Real Estate Recovery Fund

RE-83-63 Sam Daily/Sam Daily Realty, Inc.

The letter from Cedric Chun was referred to Sidney Ayabe.

Civil No. H84-3619 Guerin v. Fung

Upon motion by Commissioner Blanco and seconded by Commissioner Takeya, the Commission unanimously approved the order directing payment of \$4,479.42 in the above-entitled matter.

Civil No. H84-95 Leedom v. Lovell and Times Realty, Inc.

Upon motion by Commissioner Blanco and seconded by Commissioner Kawakami, the Commission unanimously approved the order directing payment of \$4,938.16 in the above-entitled matter.

Dennis Grady

Discharge of the Order of Revocation

A letter from Harold H. Goldman, attorney for Dennis Grady was reviewed by the Commission. The attorney requested that the order of revocation against Mr. Grady be discharged.

Upon motion by Commissioner Takeya and seconded by Commissioner Kawakami, the Commission unanimously decided to deny the request.

Next Meeting:

May 31, 1985, 9:00 a.m.
Exam-Conf. Room, Kamamalu Building

Adjournment:

There being no further business, the meeting was adjourned at 12:30 p.m.

Taken and recorded by:

A handwritten signature in black ink, appearing to read 'Glenn M. Adachi', written over a horizontal line.

Glenn M. Adachi
Executive Secretary