

CONDOMINIUM REVIEW COMMITTEE
REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii
www.hawaii.gov/hirec

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor as required by Section 92-7(b), Hawaii Revised Statutes.

Date: March 6, 2013

Time: Upon adjournment of the Laws and Rules Review Committee meeting scheduled to convene at 9:00 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Present: Scott Sherley, Chair, Broker / Hilo Commissioner
Bruce Faulkner, Vice Chair / Maui Commissioner
Nikki Senter, Public / Honolulu Commissioner
Stanley Kuriyama, Broker / Honolulu Commissioner
Frances Gendrano, Broker / Honolulu Commissioner
Walt Harvey, Broker / Honolulu Commissioner
Rowena Cobb, Broker / Kauai Commissioner
Scott Arakaki, Public / Honolulu Commissioner
Aileen Wada, Broker / Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer
Miles Ino, Executive Officer
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
Benedyne Stone, Condominium Specialist
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
David Grupen, Real Estate Specialist
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary

Others: Myoung Oh, Hawaii Association of REALTORS®
Aron Espinueva, Hawaii Association of REALTORS®

Absent: None.

Call to Order: Chair Sherley called the meeting to order at 9:22 a.m., at which time quorum was established.

Chair's Report: No report was presented.

The Chair announced that the Commission may move into executive session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Section 92-5(a)(1), HRS, and/or to consult with the

Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities in accordance with Section 92-5(a)(4), HRS.

Condominium
Specialist's
Report:

Additional Distribution

The following materials were distributed prior to the start of the meeting:

- 5. CPR Registration and Developer's Public Reports
 - a. Condominium Projects and Developer's Public Reports
 - 1) February 2013

Minutes:

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the minutes of the February 6, 2013 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOUO Registrations

Specialist Stone reported that as of March 31, 2013, 1,665 AOUOs have successfully registered.

Condominium Seminars and Symposium—CAI Hawaii "Almost Free Legal Advice" February 21, 2013 - Evaluation

Chair Sherley, Specialist Stone and Deputy Attorney General Wong monitored the seminar. Evaluations were distributed for informational purposes.

It was noted that the basics were covered, but had there been less speakers, each speaker would have had more time devoted to their topic.

Case Law Review Program

The following were distributed for informational purposes: "*Association of Apartment Owners Of the Waikoloa Beach Villas, by its Board of Directors, Applicant-Appellee, v. Sunstone Waikoloa, LLC, Respondent—Appellant*, 2013 WL 329205 (Hawaii App.)" and "*In the Matter of the Arbitration Between Association of Apartment Owners of International Colony Club, Petitioner-Appellee, v. Dan Deigert and Edith Deigert, Individually and as Trustee of the Edith M. Deigert Revocable Living Trust dated April 22, 2006, Respondents-Appellants*, 126 Hawaii 123, 2011 WL 6934902 (Hawaii App.)."

Condominium
Project
Registration:

Condominium Project Registration - Public Reports Issued

A list of those condominium projects issued effective dates during the month of February 2013 were distributed for informational purposes.

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNITS	REPORT	DATE
7329	1503 MAKIKI STREET CONDOMINIUM	1503 MAKIKI ST & 1510 1512 ENOS HONOLULU HI 96822	124009014	3	B REPT	2/5/2013
7327	4780 IIWI ROAD	4780 IIWI RD KAPAA HI 96746	446016047	2	B REPT	2/5/2013
7097	5375 & 5375-A KALANIANAOLE HIGHWAY	5375 & 5375-A KALANIANAOLE HWY HONOLULU HI 96821	136003008	2	B AMD	2/11/2013

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7334	801 SOUTH ST	801 SOUTH ST HONOLULU HI 96813	121047003	915	B REPT	2/26/2013
7326	AWAKEA AT MEHANA	WAKEA ST KAKALA ST MANAWAI KAPOLEI HI 96707	191016212	124	B REPT	2/25/2013
7338	BEBB	59-569 KE IKI RD HALEIWA HI 96712	159003011	2	B REPT	2/25/2013
6836	HONUA KAI CONDOMINIUM RESTAURANT CONDOMINIUM UNIT	130 KAI MALINA PKWY LAHAINA HI 96761	244014006	1	B REPT	2/19/2013
7324	KUKUNA AT MEHANA	WAKEA ST KAKALA ST MANAWAI KAPOLEI HI 96707	191016212	73	B REPT	2/25/2013
7220	LANIPO AT MAUNALANI CIRCLE	4967 MAUNALANI CIR HONOLULU HI 96816	133028056	3	B AMD	2/27/2013
7340	LAULANI XIX, PHASE 27	91-1001 KEAUNUI DR EWA BEACH HI 96706	191149040	12	B REPT	2/19/2013
7331	LAUOHO CONDOMINIUM	3121 LAUOHO RD KALAHEO HI 96741	423001045	2	B REPT	2/12/2013
7325	LILIKOI PARK PLACE	99-104 MOANALUA RD AIEA HI 96701	199038082	8	B REPT	2/15/2013
7319	MAKAI SKY CONDOMINIUM	51 AWAIKU ST LAHAINA HI 96761	247009053	2	B REPT	2/19/2013
7332	MAKIKI TERRACE	1413 DOMINIS ST HONOLULU HI 96822	124024020	3	B REPT	2/14/2013
7262	MONDEN RODDEN CPR	WAIANU RD KULA HI 96790	222005045	2	B REPT	2/25/2013
7322	NEUMAN BUILDING THE	89 & 91 S KING ST HONOLULU HI 96813	121002055	6	B REPT	2/12/2013
0	Preliminary Reports					
0	Contingent Final Reports					
0	Final Reports					
0	Supplementary Reports					
14	B Reports					
2	B Amendment Reports					
16	TOTAL REPORTS					

Program of Work: **Government and Legislative Participation & Report**

Legislative Report No. 2 was distributed to the Commissioners for their information. SEO Fujitani reported on the bills that were affecting the Commission.

SEO Fujitani reported on the status of House Bill No. 24 and companion Senate Bill No. 505 relating to condominiums. The intent of the measures are to specify that an amount of fees paid into the condominium education trust fund be used to support mediation of condominium related disputes.

The discussion that followed included support for continuing funding of mediation and the proposed language in Senate Bill No. 505, SD 2, "The additional condominium education trust fund fee shall total \$3 per unit until the commission adopts rules pursuant to chapter 91. On June 30 of every odd-numbered year, any unexpended additional amounts paid into the condominium education trust fund and initially dedicated to supporting mediation of condominium related disputes, as required by this paragraph, shall be used for educational purposes as provided in section 514B-71 (a) (1), (2), and (3)."

Further discussion followed about the risk of the CETF being raided by the General Fund should there be an excess amount.

SEO Fujitani then reported on a Supreme Court case which appeared to have concluded that Special Funds could not be raided for General Fund purposes.

Rulemaking, Chapter 53, Fees

A copy of the clean and ramseyer version of the amended Chapter 53, Section 16.8 (1), (3), and (4) rules were distributed for informational purposes.

Condominium Organizations Forum: No comments, recommendations or concerns were received from the following: Community Associations Institute Hawaii Chapter, Alakahi Foundation, Hawaii Council of Association of Apartment Owners, Hawaii Independent Condominium and Cooperative Owners, Hawaii State Bar Association/Real Property & Financial Services Section, Land Use Research Foundation, Condominium Council of Maui, Hawaii Association of Realtors/Institute of Real Estate Management Hawaii Chapter/ Oahu Arm Committee, others.

CETF Budget & Finance Report: Upon a motion by Commissioner Kuriyama, seconded by Commissioner Gendrano, it was voted on and unanimously carried to accept the Condominium Education Trust Fund Financial Report for the period ending December 31, 2012.

Next Meeting: April 10, 2013
Upon adjournment of the Laws and Rules Review Committee meeting scheduled to convene at 9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Adjournment: With no further business to discuss, Chair Sherley adjourned the meeting at 9:32 a.m.

Respectfully submitted:

Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

March 7, 2013

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____