

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: May 8, 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
Frances Gendrano, Broker / Honolulu Commissioner
Walt Harvey, Broker / Honolulu Commissioner
Rowena Cobb, Broker / Kauai Commissioner
Aileen Wada, Broker / Honolulu Commissioner
Scott Arakaki, Public / Honolulu Commissioner

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

Others: James Stone, Coldwell Banker Pacific Properties
Trudy Nishihara, Coldwell Banker Pacific Properties
Aron Espinueva, Hawaii Association of REALTORS®
Elarka Yuen, Elarka Yen Realtor

Absent: Stanley Kuriyama, Broker / Honolulu Commissioner

Call to Order: Chair Sherley called the meeting to order at 9:08 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.

Commissioner Kuriyama was excused from the meeting. Prior notification of his non-attendance was received.

Condominium
Specialist's
Report:

Specialist Yee announced that the seminar procurement has been posted to the HePS site with a deadline date of May 15, 2013. Those interested must be registered through HePS as a vendor and submit an electronic proposal through HePS. The Commission may award more than one contract either by island or statewide. The scope, term, and compensation have been included with the solicitation.

It was also reported that the June committee meetings will be held in Kauai at the Lihue State Office Building on June 12, 2013.

Minutes:

Upon a motion by Commissioner Gendrano, seconded by Commissioner Harvey, it was voted on and unanimously carried to accept the minutes of the April 10, 2013 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOUO Registrations

Specialist Stone reported that as of April 30, 2013, 1,668 AOUOs have successfully registered for the 2011-2013 biennium.

For the 2013-2015 AOUO re-registration, 300 registrations have been received online during the month of April and 98 received so far in May.

Mediation and Arbitration - Extension of Mediation Agreements – Mediation Center of the Pacific, Inc., Mediation Services of Maui, Inc., West Hawaii Mediation Center, Ku'ikahi Mediation Center, Kauai Economic Opportunity, Inc.

Mediator services, pursuant to HAR §3-120-4, have been determined to be exempt from the procurement procedures of HRS Chapter 103D by the procurement policy board effective July 17, 2008. Mediator services fall under exemption number 12. The committee took note of the essential role mediation providers play in the condominium community, the number of cases mediated this fiscal year, and the services performed by the mediators.

Upon a motion by Commission Harvey, seconded by Commissioner Senter, it was voted on and unanimously carried to extend for one fiscal year all current Mediation Agreements, subject to the same terms and conditions of the current agreements.

"Mediation Center goes online to settle disputes" Star Advertiser.com March 11, 2013

The StarAdvertiser.com's March 11, 2013 article entitled "Mediation Center goes online to settle disputes" was distributed for informational purposes.

Condominium Seminars and Symposium – Evaluation – CAI Hawaii "Dealing With Difficult Owners and Defending Against Frivolous Lawsuits" April 25, 2013

Specialist Stone monitored the well attended seminar. A copy of her evaluation was distributed for informational purposes.

Case Law Review Program

The following was distributed for informational purposes: *AOAO Queen Emma Gardens and Touchstone Properties, Ltd., Appellants-Respondents/Appellees, v. Tommy Wai Hung MA and Sindy Yee Ma, Appellees-Petitioners/Appellants and Office of Administrative Hearings, Condominium Dispute Resolution Pilot Program, Department of Commerce and Consumer Affairs, State of Hawai'i, Appellees/Appellees.* 2013 WL 1397327 (Hawai'i App.) (April 5, 2013 as corrected April 9, 2013)

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

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

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNITS	RPT	DATE
7358	2703 NAKOOKOO STREET AND 811 AND 813 KAALOA	2703 NAKOOKOO ST & 811 & 813 HONOLULU	127018017 HI 96826	3	B REPT	4/25/2013
7349	383 KALAIMOKU	383 KALAIMOKU ST HONOLULU	126018042 HI 96815	346	B REPT	4/10/2013
5734	900 ALEWA DRIVE LOT C	900 C ALEWA DR HONOLULU	118023003 HI 96817	2	SUPPL	4/3/2013
6083	AINA-ALAU CONDOMINIUM	575 KAI HELE KU ST LAHAINA	247009029 HI 96761	2	SUPPL	4/10/2013
6557	GNAZZO ESTATES	3170 IWIPPOO RD LAWAI	426001005 HI 96765	2	B AMD	4/11/2013
6903	HO'OLE'A TERRACE AT KEHALANI	KEHALANI MAUKA PKWY WAILUKU	235001067 HI 96793	174	B AMD 7	4/5/2013
7275	KAPOLEI KAI (PHASE II) (Reports covers Units 5Aaand 5b)	2176 LAUWILIWILI ST KAPOLEI	191075008 HI 96707	2	B AMD	4/3/2013
7328	KEANU KAI	44-295 KANEOHE BAY DR KANEOHE	144007011 HI 96744	4	B REPT	4/11/2013
7355	KOKOLEKA FARMS	LOT 79 KAPAA HOMESTEADS KAPAA	446007017 HI 96746	5	B REPT	4/22/2013
4505	LAKESIDE VILLAS I	5269 LIKINE ST AIEA	111058027 HI 96818	2	SUPPL	4/11/2013
4506	LAKESIDE VILLAS II	5279 LIKINI ST AIEA	111058028 HI 96818	2	SUPPL	4/11/2013
7357	LAULANI XX, PHASE 28	91-1001 KEAUNUI DR EWA BEACH	191149041 HI 96706	13	B REPT	4/8/2013
7364	LAULANI XXI, PHASE 29	91-1001 KEAUNUI DR EWA BEACH	191149042 HI 96706	15	B REPT	4/30/2013
7304	NAALAE MAUKA CONDOMINIUM	5281/5321 LOWER KULA RD KULA	222012004 HI 96790	2	B REPT	4/4/2013
7299	NOHONA III AT KAPOLEI - PHASE I	KAMA`AHA LP KAPOLEI	191016170 HI 96707	12	B AMD	4/9/2013
7317	NOHONA III AT KAPOLEI - PHASE II	KAMA`AHA LP KAPOLEI	191016172 HI 96707	21	B AMD	4/9/2013
7354	NOHONA III AT KAPOLEI PHASE III	KAMA`AHA LP KAPOLEI	191016217 HI 96707	21	B REPT	4/9/2013
7233	PUU ALOHA CONDOMINIUM	LOT 116-D KALAHEO HOMESTEADS KALAHEO	423013039 HI 96741	6	B REPT	4/4/2013
6354	SEASCAPE CONDOMINIUM PH II III & IV	NUUANU ST KAILUA KONA	373010051 HI 96740	68	B AMD 3	4/9/2013
7305	SUITES AT WAILEA THE	555 KAUKAHI ST WAILEA	221008105 HI 96753	79	B AMD	4/5/2013
0	Preliminary Reports					
0	Contingent Final Reports					
0	Final Reports					
4	Supplementary Reports					
9	B Reports					
7	B Amendment Reports					
20	TOTAL REPORTS					

Program of Work: **Legislative Acts and Resolutions – SB No. 505, SD2, HD1, CD1**

A copy of Senate Bill No. 505, SD2, HD1, CD1 was distributed for informational purposes and discussed during the Laws and Rules Review Committee meeting.

Specialist Yee noted that if the bill becomes law, the additional CETF amount will take effect beginning with the 2015 biennium.

Neighbor Island Outreach / Condominium Specialist Office for the Day

The June 12, 2013 committee meetings will be held in conjunction with the Condominium Specialist Office for the Day program on the island of Kauai at the State Office Building, 3rd Floor Conference Room, Lihue.

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: No report presented.

Next Meeting: June 12, 2013
Upon adjournment of the Laws and Rules Review Committee meeting scheduled to convene at 9:30 a.m.
Lihue State Office Building
3rd Floor Conference Room
3060 Eiwa Street
Lihue, KAUAI

Adjournment: With no further business to discuss, Chair Sherley adjourned the meeting at 9:25 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

May 8, 2013

Date

Minutes approved as is.
 Minutes approved with changes; see minutes of _____