

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: October 13, 2010

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: Michele Sunahara Loudermilk, Chair, Public / Honolulu Commissioner
Mark Suiso, Vice Chair, Public / Honolulu Commissioner
Donna Apisa, Broker / Kauai Commissioner
Carol Ball, Broker / Maui Commissioner
Stanley Kuriyama, Broker / Honolulu Commissioner
Scott Sherley, Broker / Hilo Commissioner
Frances Gendrano, Broker / Honolulu Commissioner
Walt Harvey, Broker / Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer
Jon Ellis Pangilinan, 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: Marsha Shimizu, Hawaii Association of REALTORS®
Aron Espinueva, Hawaii Association of REALTORS®

Absent: Trudy Nishihara, Broker / Honolulu Commissioner

Call to Order: Chair Loudermilk called the meeting to order at 9:38 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 Nishihara was excused from the meeting. Prior notification of her non-attendance was received.

Condominium
 Specialist's
 Report:

Minutes

Upon a motion by Commissioner Suiso, seconded by Commissioner Harvey, it was voted on and unanimously carried to accept the minutes of the September 8, 2010 Condominium Review Committee meeting as circulated.

Condominium
 Governance and
 Management:

AOUO Registrations

Specialist Stone reported that as of September 30, 2010, 1,658 AOUOs have successfully registered.

Condominium Seminars and Symposium – "Maximizing Your Dollars" CAI Hawaii September 16, 2010 Evaluations

Copies of Commissioner Sherley and Specialist Leong's evaluation forms were distributed for the committee's information.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

A list of those condominium projects issued effective dates during the month of September 2010 were distributed for informational purposes.

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNITS	REPORT DATE
7011	3273 LINCOLN AVENUE	3273 & 3273-A LINCOLN AVE HONOLULU HI 96816	132016059	2	B REPT 9/28/2010
6971	617 8TH AVENUE	617, 617-A, 623 & 623-A 8TH AVE HONOLULU HI 96816	132027042	4	B REPT 9/8/2010
7021	643 9TH AVENUE	643 9TH AVE HONOLULU HI 96816	132027017	2	B REPT 9/15/2010
6618	ANYUKA OHANA	17 & 17A SOUTH KALAHEO AVE KAILUA HI 96734	143069009	2	B AMD 9/28/2010
6993	AULANI, A DISNEY RESORT & SPA KO OLINA, HAWAI'I	92-1185 ALI'I NUI DR KAPOLEI HI 96707	191057034	12	B REPT 9/8/2010
7014	KAIKA PLACE ESTATES	66-173 B KAIKA PL HALEIWA HI 96712	166005001	2	B REPT 9/28/2010
6896	KAMAMALU CONDOMINIUM	3920 HAOA ST LIHUE HI 96766	435001165	31	B AMD 9/23/2010
5910	KAPOLEI SPECTRUM BUSINESS PARK	2106 LAUWILIWILI ST KAPOLEI HI 96707	191075003	39	SUPPL 2 9/22/2010
7022	KEALAKAI AT KAPOLEI - PHASE II	KAIKAI AVE KAPOLEI HI 96707	191016166	38	B REPT 9/27/2010
3119	KILAUEA PLANTATION CENTER	4244M KILAUEA RD KILAUEA HI 96754	452004062	3	SUPPL 4 9/9/2010
6968	LAENANI	47-470A LAENANI DR KANEIOHE HI 96744	147009011	2	B REPT 9/29/2010
7000	MAHAKEA	55-135 KAMEHAMEHA HWY LAIE HI 96762	155001014	5	B REPT 9/13/2010
7013	MOOMUKU PLACE	298 & 306 MOOMUKU PL HONOLULU HI 96821	138008037	4	B REPT 9/13/2010
7024	NOHONA II AT KAPOLEI - PHASE II	KAMA' AHA LP KAPOLEI HI 96707	191016174	20	B REPT 9/27/2010
6898	POAMOHO CAMP	71-045 KAMEHAMEHA HWY WAHIAWA HI 96786	171001011	78	B AMD 3 9/29/2010

6565	PUNANA NO KA PUEO	5454 KAHILIHOLE RD KILAUEA HI 96754	452017003	2	B AMD	9/14/2010
6985	TODA ICHIZOKU NO CHI	HAWEA ESTATES SUBDIVISION KALAHEO HI 96741	423002110	2	B REPT	9/8/2010
0	Preliminary Reports					
0	Contingent Final Reports					
0	Final Reports					
2	Supplementary Reports					
11	B Reports					
4	B Amendment Reports					
17	TOTAL REPORTS					

Consultants – Report on the Condominium Consultants Information and Update Session

Staff's report of the September 1, 2010 Condominium Consultants' Information and Update Session was distributed for informational purposes.

Specialist Yee also noted that the Branch has received an increase in the number of requests for documents and subpoenas for project files. These requests are taking up a lot of staff time to review, redact confidential information and prepare the documents which have been subpoenaed.

Case Law – *County of Hawaii v. Ala Loop Homeowners, et. al.*, No. 27707 July 9, 2010, page 19 Hawaii Bar Journal (HBJ) (September 2010)

A brief discussion about the court ruling and its possible impact on the condominium project registration process followed. The HBJ's synopsis of the case law was distributed for informational purposes.

Program of Work:

Rulemaking, Chapter 107

Preliminary rough draft of the proposed rules for Chapter 514B, HRS, Part IV Sales to Owner-Occupants were circulated for review and comments. All comments to be provided to Specialist Yee prior to the end of the month.

Interactive Participation with Organizations

An email response from Mr. Albert Andrews representing the Condominium Council of Maui was distributed for informational purposes. Mr. Andrews notes CCM's disappointment of the committee's decision to deny CCM's request to link its organization to the Commission's website and limiting links to government agencies. CCM requests that the committee reverse its decision.

It was noted that the Committee denied CCM's request because CCM's request appears to be the first received and the Commission had not previously set standards for determining who can and cannot be linked to the REB website. The committee decided to only include government agencies with a disclaimer. After reviewing the letter Chair Loudermilk noted that the response did not include a reason for the denial of the request. The Chair stated that she will provide CCM with a response including the reasons for the Commission's initial decision.

Staff also reported that PVL's general policy of not entertaining requests to link to the PVL site.

Neighbor Island Outreach

The November 10, 2010 committee meetings will be held at the REALTORS® Association of Maui offices beginning at 9:30 a.m. Specialists Office for the Day will be held in conjunction with the neighbor island outreach meetings.

Records Management

An article from the September 2010 issue of the Hawaii Bar Journal referencing the Appellate eFiling was distributed for informational purposes. The launch date for e-filing in the Hawaii Supreme Court and the Hawaii Intermediate Court of Appeals was scheduled for August 23, 2010.

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: November 10, 2010
Upon adjournment of the Laws and Rules Review Committee meeting scheduled to convene at 9:30 a.m.
REALTORS® Association of Maui
441 Ala Makani Place
Kahului, Maui

Adjournment: With no further business to discuss, Chair Loudermilk adjourned the meeting at 9:56 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

October 20, 2010

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____