

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: September 7, 2011

Time: Upon adjournment of the Laws and Rules Review Committee meeting scheduled to convene at 9:30 a.m.

Place: West Hawaii Association of REALTORS®
74-5620 Palani Court, Suite 106
Kailua-Kona

Present: Michele Sunahara Loudermilk, Chair, Public / Honolulu Commissioner
Nikki Senter, Vice Chair, Public / Honolulu Commissioner
Carol Ball, Broker / Maui Commissioner
Scott Sherley, Broker / Hilo Commissioner
Frances Gendrano, Broker / Honolulu Commissioner
Walt Harvey, Broker / Honolulu Commissioner
Rowena Cobb, Broker / Kauai Commissioner
Aileen Wada, Broker / Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer
Cynthia Yee, Senior Condominium Specialist
Diane Choy Fujimura, Senior Real Estate Specialist
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary

Others: Marsha Shimizu, Hawaii Association of REALTORS®
Trudy Nishihara, Hawaii Association of REALTORS®

Absent: Stanley Kuriyama, Broker / Honolulu Commissioner

Call to Order: Chair Loudermilk called the meeting to order at 11:01 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:

Minutes

Upon a motion by Commissioner Sherley, seconded by Commissioner Cobb, it was voted on and unanimously carried to accept the minutes of the August 10, 2011 Condominium Review Committee meeting as circulated.

Condominium
 Governance and
 Management:

AOUO Registrations

Specialist Yee reported that as of August 2011, 1,503 AOUOs have successfully registered.

Case Law Review Program

The following articles were distributed for informational purposes: "Association's Boat Prohibitions Can Be Enforced" *Community Association Management Insider* (August 2011) and "Homeowner Associations in Need of Cash Sue Lenders to Force Foreclosures" www.bloomberg.com/news/2011-08-24/ (8/24/2011).

Condominium Related Articles

The following article entitled "Florida Adopts New HOA and Condo Laws" from the August 2011 issue of *Community Association Management Insider* was distributed for informational purposes.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

A list of those condominium projects issued effective dates during the month of August 2011 were distributed for informational purposes.

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNIT REPORT	DATE
7136	17 PALMS KAUAI CONDOMINIUM	414 WAILUA KAI ST WAILUA HI 96746	443001013	2 B REPT	8/23/2011
7140	45-120 MOAMAHI WAY	45-120 MOAMAHI WAY KANEHOHE HI 96744	145101027	2 B REPT	8/18/2011
5744	51-446 KEKIO ROAD	51-446 KEKIO RD KAAAWA HI 96730	151011018	2 SUPPL	8/9/2011
6930	54-071 & 54-071A WAIKULAMA STREET	54-071 WAIKULAMA ST HAUULA HI 96717	154016011	2 B AMD	8/22/2011
7135	55-607 AND 55-607A MOANA STREET	55-607 & 55-607A MOANA ST LAIE HI 96762	155013011	2 B REPT	8/9/2011
6794	807 20TH AVENUE	807 20TH AVE HONOLULU HI 96816	132053014	2 B AMD	8/9/2011
7134	94-054 & 94-056 AWAMOKU STREET	94-054 & 94-056 AWAMOKU ST WAIPAHAU HI 96797	194016105	2 B REPT	8/4/2011
7137	D & K CONDOMINIUM	4-5091 KUHIO HWY ANAHOLA HI 96703	449002021	2 B REPT	8/5/2011
6992	HALE KALANI I	77-298 NOELANI WAY KAILUA-KONA HI 96740	377015083	5 B REPT	8/23/2011
6691	KAHU'AINA 8	7480 KOOLAU RD KILAUEA HI 96754	451003022	2 B AMD	8/9/2011
6692	KAHU'AINA 9	MOLI RD KILAUEA HI 96754	451003013	2 B AMD	8/9/2011
6980	KEALAKAI AT KAPOLEI - PHASE I	KAIAU AVE KAPOLEI HI 96707	191016166	16 B AMD 2	8/18/2011
7022	KEALAKAI AT KAPOLEI - PHASE II	KAIAU AVE KAPOLEI HI 96707	191016166	38 B AMD 2	8/18/2011
7027	KEALAKAI AT KAPOLEI - PHASE III	KAIAU AVENUE KAPOLEI HI 96707	191016166	16 B AMD 2	8/18/2011
7074	KEALAKAI AT KAPOLEI - PHASE IV	KAIAU AVE KAPOLEI HI 96707	191016197	24 B AMD	8/18/2011
7145	KEALAKAI AT KAPOLEI - PHASE V	KAIAU AVE KAPOLEI HI 96707	191016200	16 B REPT	8/22/2011

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7133	KOA CONDOMINIUM	5114 ANNIE RD KAPAA HI 96746	446027008	2	B REPT	8/16/2011
6957	MILO COURT AT KEHALANI (PHASE 2)	HONOAPIILANI HWY & KEHALANI WAILUKU HI 96793	235001081	24	SUPPL	8/17/2011
7139	MILO COURT AT KEHALANI (PHASE 3)	KEHALANI MAUKA PKWY WAILUKU HI 96793	235001081	10	FINAL	8/29/2011
7024	NOHONA II AT KAPOLEI - PHASE II	KAMA`AHA LP KAPOLEI HI 96707	191016174	20	B AMD 2	8/22/2011
7040	NOHONA II AT KAPOLEI - PHASE III	KAMA`AHA LP KAPOLEI HI 96707	191016174	21	B AMD 2	8/22/2011
7075	NOHONA II AT KAPOLEI - PHASE IV	KAMA`AHA AVE KAPOLEI HI 96707	191016194	18	B AMD	8/22/2011
7119	NOHONA II AT KAPOLEI - PHASE V	KAMA`AHA AVE KAPOLEI HI 96707	191016195	21	B AMD	8/22/2011
6318	OLOHENA GARDENS	6695 OLOHENA RD KAPAA HI 96746	444002099	2	B AMD 2	8/8/2011
6107	OPUKEA AT LAHAINA	LIMAHANA PLACE LAHAINA HI 96761	245011001	114	B AMD 3	8/2/2011
7116	PAALAA ESTATES I	66-340 PAALAA RD HALEIWA HI 96712	166016028	2	B AMD	8/11/2011
7142	PAALAA ESTATES II	66-342 PAALAA RD HALEIWA HI 96712	166016029	2	B REPT	8/11/2011
7131	PACIFIC VILLA	1802 & 1802-A KAPALAMA AVE HONOLULU HI 96817	116027032	2	B REPT	8/18/2011
7143	PINAO GARDENS CONDOMINIUM	PU`U PANE SUBDIVISION LOT 7 KAHILI HI 96714	451005106	2	B REPT	8/23/2011
5421	PU`U LOLO 2 CONDOMINIUM	LOT 2 PU`U LOLO SUBDIVISION KALAHEO HI	423008064	2	SUPPL	8/23/2011
7101	ROYAL GARDENS	179 ROYAL DR KAPAA HI 96746	442005014	2	B REPT	8/8/2011
7127	WAILAPA AINA CONDOMINIUM	LOT L-12-A WAILAPA SUBDIVISION KAHILI HI 96746	451005014	5	B REPT	8/24/2011
0	Preliminary Reports					
0	Contingent Final Reports					
1	Final Reports					
3	Supplementary Reports					
13	B Reports					
15	B Amendment Reports					
32	TOTAL REPORTS					

Program of Work: **Condominium Laws and Education**

Specialist Yee reported that staff has completed the Condominium FAQs regarding Act 48 as requested by the Deputy Director. Staff has been informed that the FAQs will be posted to the department's Mortgage Foreclosure Dispute Resolution webpage.

Rulemaking, Chapter 107

Chapter 107 rulemaking process moving forward.

Legislative Acts and Resolutions – Act 190 (SLH 2011)

Specialist Yee reported that Act 190 (SLH 2011) effective July 1, 2011 amends section 103D-310(c), HRS, adding language requiring procurement personnel to utilize Hawaii Compliance Express to obtain proof of compliance prior to award for contracts and procurement of \$2,500 or more awarded pursuant to section 103D-305.

Specialist Yee noted that back in June 2011 the Commission had sent a letter intending to award a contract to the Condominium Council of Maui (CCM) upon receipt of the tax clearance certificates, DLIR certificate of compliance and DCCA certificate of good standing. Commission is still awaiting the receipt of the tax clearance certificate.

Additional research of Act 190 may be in order. Procurement and intent to award was made prior to July 1, 2011.

Deputy Attorney General Wong noted that there was intent to award a contract to CCM however the contract has not been awarded.

Discussion followed relating to CCM, IRS and Hawaii Compliance Express.

Chair Loudermilk noted that the Commission may still be able to award a contract to CCM subject to receipt of certain documents and satisfaction of certain conditions.

Rulemaking, Chapter 53 Fees

Specialist Yee reported that the AG's office recommended some language changes to the proposed Chapter 53 Fees. The memo to the Small Business Regulatory Review Board has been forwarded to the DCCA Director's office.

It was further reported that staff will need to publicize the proposed fee increase on the Commission's website.

Condominium Specialist Office for the Day

It was reported that the session is ongoing and anyone wishing to meet with the condominium specialist can do so in the next office. Staff met with 1 board member this morning and provided advice, education and referral in connection with the board member's inquiry.

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:

October 12, 2011
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

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Adjournment: With no further business to discuss, Chair Loudermilk adjourned the meeting at
11:15 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

September 9, 2011

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____

CY/tn/110909