

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 9, 2012

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

Place: Lihue State Office Building
3rd Floor Conference Room
3060 Eiwa Street
Lihue, KAUAI

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: D. Michael Buehler, Whaler's Cove
Merilee Buehler, Whaler's Cove
James M. K. Stone Jr., Coldwell Banker School of Real Estate
Marsha Shimizu, Hawaii Association of REALTORS®
Donna Apisa, Oceanfront Realty
Karen Ono, Kauai Board of REALTORS®
Bob Grinpas, Robert Grinpas Law Corporation
Dennis M. Esaki, Governor's Office

Absent: Stanley Kuriyama, 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 Kuriyama was excused from the meeting. Prior notification of his non-attendance was received.

Condominium
Specialist's

Minutes

Upon a motion by Commissioner Sherley, seconded by Commissioner Cobb, it was voted on and unanimously carried to accept the minutes of the April 11, 2012 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOUO Registrations

Specialist Yee reported that as of April 30, 2012, 1,649 AOUOs have successfully registered.

Mediation & Arbitration – Real Estate Commission Approval to Extend Mediation Agreements of Mediation Center of the Pacific, Inc., Mediation Services of Maui, Inc., Big Island Mediation Services dba West Hawaii Mediation Center, Ku'ikahi Mediation Center, Kauai Economic Opportunity, Inc.

Mediator services, pursuant to HAR §3-120-4, has 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 Ball, seconded by Commissioner Cobb, 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.

Condominium Seminars and Symposium - Real Estate Commission Exercise of Option to Renew Contract of Community Associations Institute Hawaii Chapter and Awarded Contract of Condominium Council of Maui

Specialist Yee reported that the Commission has an executed contract with the Community Associations Institute Hawaii Chapter (CAIH) and has the option to extend the contract for one additional fiscal year. CAIH has submitted their seminar evaluations for review. More than 50% of the participants turned in their evaluations upon completion of the seminar. The committee then reviewed CAIH's performance of the contract the Commission has with CAIH including a review of the participants' summary of seminar, returned evaluations, and the number of attendees (a summary as reported by the Senior Condominium Specialist).

Specialist Yee also reported that the Condominium Council of Maui (CCM) was initially awarded a contract subject to satisfying some preconditional requirements. CCM took some time to satisfy the requirements. A contract for their signature was sent to CCM's president once CCM satisfied the precondition. However, to date CCM has not returned the contract signed. Should CCM return the signed contract and the contract is fully executed prior to June 30, 2012, the Commission would have an option to extend the contract for one additional fiscal year.

Upon a motion by Commissioner Sherley, seconded by Commissioner Gendrano, it was voted on and unanimously carried to exercise its option to renew the contract with Community Associations Institute Hawaii Chapter for another fiscal year commencing July 1, 2012 and ending on June 30, 2013 subject to the same terms and conditions of the current contract and is for the same compensation amount of \$38,000.

Upon a motion by Commissioner Sherley, seconded by Commissioner Cobb, it was voted on and unanimously carried to exercise its option to renew the awarded contract with the Condominium Council of Maui for another fiscal year commencing July 1, 2012 and ending on June 30, 2013 subject to the awarded contract being fully executed by all parties prior to June 30, 2012.

Condominium Seminars and Symposium - Americans With Disabilities Act Seminar, Wailea Maui April 19, 2012

A written report of the April 19, 2012 Americans with Disabilities Act Seminar which Commissioner Sherley attended was distributed for informational purposes.

Case Law Review Program

The following was distributed for informational purposes: *Scoggins v. Lee's Crossing Homeowners Association, et. al. Community Association Manager Insider*, September 2011

Condominium Related Articles

The following articles were distributed for informational purposes: "Federal Pool Regulations-Still Confusing," "CAI Secures Important Transfer Fee Victory;" CAI Hawaii (April 2012) and "How to Address Member-on Member Harassment and Intimidation" *Community Association Manager Insider* (posted on 2/9/2012).

Condominium
Project
Registration:

Condominium Project Registration - Public Reports Issued

A list of those condominium projects issued effective dates during the months of March and April 2012 were distributed for informational purposes.

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNIT	RPT	DATE
7206	1005 9TH AVENUE & 3450 PAHOA AVENUE	1005 9TH AVE & 3450 PAHOA AVE HONOLULU HI 96816	132013070	2	B REPT	4/30/2012
7193	1630 AND 1740 ALEWA DRIVE	1630 & 1740 ALEWA DR HONOLULU HI 96817	118029006	2	B REPT	3/8/2012
7214	3511 AND 3513 KILAUEA AVENUE CONDO.	3511 & 3513 KILAUEA AVE	132028031	2	B REPT	4/17/2012

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7219	3820 AND 3820-A NOEAU STREET	HONOLULU HI 96816 3820 & 3820-A NOEAU ST	113015002	2	B REPT	4/30/2012
7210	398 PUIWA ROAD	HONOLULU HI 96816 398 PUIWA RD	122042086	3	B REPT	4/9/2012
7217	4128-B AND 4128-C NAPALI PLACE	HONOLULU HI 96817 4128-B AND 4128-C NAPALI PLACE	133020061	2	B REPT	4/20/2012
7211	53-480-Z KAMEHAMEHA HIGHWAY	HONOLULU HI 96816 53-480-Z KAMEHAMEHA HWY	153006008	2	B REPT	4/9/2012
7189	AHINAHINA CONDOMINIUM	HAUULA HI 96717 833 PUNAKEA LP	247001044	8	B REPT	3/12/2012
7216	HALE MALUHIA	LAHAINA HI 96761 54-083 HAUULA HOMESTEAD RD	154008002	6	B REPT	4/26/2012
7180	HALE MIKIOLA	HAUULA HI 96717 44-237 & 44-235 MIKIOLA DR	144018080	2	B REPT	4/27/2012
7144	HALEILIO ESTATES	KANEHOE HI 96744 4614 HALEILIO RD	441006039	4	B REPT	3/23/2012
5724	HALI'I KAI (PHASE IIB)	KAPAA HI 96746 69-1029 NAWAHINE PL	369010001	16	SUPPL	3/9/2012
5892	HALI'I KAI (PHASE III)	WAIKOLOA HI 96738 69-1029 NAWAHINE PL	369010001	32	SUPPL	3/9/2012
5671	HALI'I KAI (PHASE V)	WAIKOLOA HI 96738 69-1029 NAWAHINE PL	369010001	41	SUPPL	3/9/2012
6903	HO'OLE'A TERRACE AT KEHALANI	WAIKOLOA HI 96738 KEHALANI MAUKA PKWY	235001067	174	B AMD 4	3/15/2012
6289	HO'ONANEA AT LAHAINA	WAILUKU HI 96793 KEAWE ST	245011010	100	B AMD 4	4/16/2012
7185	KA'AKAA'NIU PLANTATION	LAHAINA HI 96761 7212 KOOLAU RD	449011012	4	B REPT	3/23/2012
5900	KAPALUA BAY CONDOMINIUM	KILAUEA HI 96754 1 BAY DR	242004028	151	SUPPL 6	4/19/2012
7218	KAPOLEI SPECTRUM BUSINES PARK	LAHAINA HI 96761 2106 & 2120 LAUWILIWILI ST	191075003	11	FINAL	4/11/2012
6595	KOLOA CREEKSIDE ESTATES I	KAPOLEI HI 96707 LOT 186 WELIWELI RD	428009001	9	B AMD 2	3/27/2012
6174	KOLOA LANDING AT POIPU BEACH - PHASE I	KOLOA HI 96756 2641 POIPU RD	428015025	87	B AMD 7	3/2/2012
6616	KOLOA LANDING AT POIPU BEACH - PHASE II	KOLOA HI 96756 2641 POIPU RD	428015025	242	B AMD 3	3/2/2012
7207	KULA KAI VIEW CONDOMINIUM	KOLOA HI 96756 27 & 29 MANU ST	223036024	2	B REPT	3/22/2012
7044	LANA'I OCEAN VIEW ESTATES CONDOMINIUM	KULA HI 96790 11 PUA NIU WAY	247009069	2	B AMD 2	3/6/2012
7172	LAULANI X, PHASE 16	LAHAINA HI 96761 91-1001 KEAUNUI DR	191149025	9	B AMD	4/24/2012
7200	LOT 18 ESTATES	EWA BEACH HI 96706 LOT 22	425007015	2	B REPT	3/15/2012
7213	MAKILA RIDGE LOT 10 CONDOMINIUM	LAWAI HI 96765 590 & 640 PUNAKEA LP	247001053	2	B REPT	4/18/2012
7201	OCEAN BREEZE PLAZA	LAHAINA HI 96761 68-122,124,126,128 AU ST	168011061	4	B REPT	3/29/2012
5980	OMAO LOT 1-B ESTATES	WAIKALUA HI 96791 3815 OMAO RD	427004049	3	SUPPL	3/23/2012
7208	SUNSHINE VILLA	KOLOA HI 96756 932 & 936 22ND AVE	132049068	2	B REPT	4/16/2012
7182	TOWN HOMES AT KA MAKANA AT HOAKALEI INCR 7 THE	HONOLULU HI 96816 OFF KEONE'ULA BLVD &	191134020	18	B AMD	4/17/2012
6199	VILLAS AT KEHALANI - PHASE I THE	EWA BEACH HI 96706 KEHALANI PKWY	235001074	41	B AMD 7	4/27/2012
6712	VILLAS AT KEHALANI - PHASE II THE	WAILUKU HI 96793 KEHALANI PKWY	235001074	62	B AMD 5	4/27/2012
		WAILUKU HI 96793				
0	Preliminary Reports					
0	Contingent Final Reports					
1	Final Reports					
5	Supplementary Reports					
17	B Reports					
10	B Amendment Reports					
33	TOTAL REPORTS					

Program of Work: **Rulemaking, Chapter 53 Fees**

Awaiting the Attorney General's approval as to form signature and return of the ramseyer copies of the rules. Such approval is necessary to moving the rules forward to the Governor's office for approval to schedule a public hearing on the proposed fees.

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 13, 2012
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 Loudermilk adjourned the meeting at 9:50 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

May 16, 2012

Date

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