

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: August 12, 2009

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: Mark Suiso, Vice Chair, Public / Honolulu Commissioner
Louis Abrams, Broker / Kauai Commissioner
Trudy Nishihara, Broker / Honolulu Commissioner
Carol Ball, Broker / Maui Commissioner
Stanley Kuriyama, Broker / Honolulu Commissioner
Annette Aiona, 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
James Paige, Deputy Attorney General
Tammy Norton, Recording Secretary

Others: Myoung Oh, Hawaii Association of REALTORS®
Aron Espinueva, Hawaii Association of REALTORS®
Marsha Shimizu, Hawaii Association of REALTORS®
Calvin Kimura, Condominium Consultant
Michael Abrams

Absent: Michele Sunahara Loudermilk, Chair, Public / Honolulu Commissioner

Call to Order: Vice Chair Suiso called the meeting to order at 9:18 a.m., at which time quorum was established.

Chair's Report: No report was presented.

The Vice 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.

Chair Loudermilk was excused from the meeting. Prior notification of her non-attendance was received.

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
 - e. Abandonment of CPR registration application and proposed Developer's Public Report - Olohena Homestead Condominium, No. 6720; Developer, Alan Freidinger and Terry S. O'Shaughnessy; Glen Hale, Esq. attorney for developer – §514B-52 (b), HRS, Issue

Minutes:

Upon a motion by Commissioner Ball, seconded by Commissioner Abrams, it was voted on and unanimously carried to accept the minutes of the July 8, 2009 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOAO Registrations

Specialist Stone reported that as of July 31, 2009, 1,425 AOAOs have successfully registered.

Condominium Seminars and Symposium

Staff's evaluation of CAI Hawaii's July 15, 2009 seminar entitled "2009 Legislative Update" was distributed for informational purposes.

Condominium Related Articles

The following articles were distributed for informational purposes: *Common Ground* (July/August 2009) - Homefront "Pay to Play," "Walk Out," "Star Struck," "Race for Success;" *Governing* (June 2009) - "Seniors and the City;" and *CAI Hawaii* (June 2009) - "Concrete Spalling," "Rental Scams," "Homeowners Association Survey," and "Adopt a Library Program."

Condominium
Project
Registration:

Condominium Project Registration - Public Reports Issued

A list of those condominium projects issued effective dates during the month of July 2009 were distributed for informational purposes.

PROJ	PROJECT NAME	PROJECT ADDRESS	TMK #	UNITS	REPORT DATE
6841	1338 ALANI	1338 & 1342 ALANI ST HONOLULU HI 96817	116015050	2	B REPT 7/24/2009

Condominium Review Committee
 Minutes of the August 12, 2009 Meeting
 Page 3

6807	3345 & 3345A HOOLULU STREET	3345 & 3345A HOOLULU ST HONOLULU HI 96815	131006081	2	B REPT	7/24/2009
6811	DE LA PENA ESTATES 4	4631 KUAWA RD KILAUEA HI 96754	452013003	2	B REPT	7/21/2009
6825	HALE ALI'I AT HAWAII KAI	7000 HAWAII KAI DR HONOLULU HI 96825	139008043	133	B REPT	7/10/2009
6666	HGFE LOT 10 CONDOMINIUM	HANAIEI PLANTATION RD HANAIEI HI 96714	454004049	2	B AMEND	7/30/2009
6786	HIDDEN ESTATES	LOT 3A HOVEY SUB KALAHEO HI	423008060	2	B REPT	7/9/2009
6775	HO'OMAKA HOU CONDOMINIUM	5028 LAIPO RD KAPAA HI 96746	446022003	2	B REPT	7/24/2009
6129	HPR ESTATES	3936 WAHA RD KALAHEO HI 96741	423017009	2	SUPPL	7/15/2009
6389	IOSEPA ESTATES	55-608 IOSEPA ST LAIE HI 96762	155015021	2	SUPPL	7/10/2009
6683	PUKALANI HIGHVIEW	75 KINO ST PUKALANI HI 96768	223044111	2	B REPT	7/24/2009
6810	RAINBOW VALLEY	5609 HONUA RD KAPAA HI 96746	446009010	2	B REPT	7/21/2009
6801	TEXEIRA FAMILY CONDOMINIUM	3660 KAHHELILI HWY WAILUKU HI 96793	231001026	3	B REPT	7/22/2009
0	Preliminary Reports					
0	Contingent Final Reports					
0	Final Reports					
2	Supplementary Reports					
9	B Reports					
1	B Amendment Reports					
12	TOTAL REPORTS					

CPR Workshops and Meetings

It was announced that the Condominium Consultants' Forum will be held on August 18, 2009. Commissioners are welcomed to attend.

Abandonment of CPR registration application and proposed Developer's Public Report - Olohena Homestead Condominium, No. 6720; Developer, Alan Freidinger and Terry S. O'Shaughnessy; Glen Hale, Esq. attorney for developer – §514B-52 (b), HRS, Issue

Calvin Kimura, the condominium consultant assigned the specific project was present. Staff attempted to contact Mr. Hale via telephone; telephone connection was disrupted.

Deputy Attorney General Paige noted that the Commission may move forward with discussions with Mr. Hale and Mr. Kimura.

Upon a motion by Commissioner Aiona, seconded by Commissioner Abrams, it was voted on and unanimously carried to move into executive session pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities."

Upon a motion by Commissioner Ball, seconded by Commissioner Gendrano, it was voted on and unanimously carried to move out of executive session.

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Abrams, it was voted on and unanimously carried to defer the issue to the August 28, 2009 Real Estate Commission meeting. Staff to work with consultants at its August 18,

2009 Condominium Consultants' Forum on recommendations for handling abandonment issues for the Commission's consideration.

Wai Halana Hawaii Flood News (July 2009)

The following articles from the July 2009 issue of Wai Halana Hawaii Flood News were distributed for informational purposes: "Updated Flood Maps for Kauai and Oahu," "Flood Insurance Rate Maps Updates," and "New Address for LOMC Submissions and Launch of LOMC Clearinghouse."

Program of Work:

Rulemaking, Chapter 107

Specialist Stone reported that August 31, 2009 is the deadline for comments and/or proposals to be received from the stakeholders. Staff will be sending out a reminder notice of the August 31, 2009 deadline. Information regarding the rulemaking has been placed on the Commission's website.

Specialist Yee reported that she spoke with Condominium Consultant Lloyd Sodetani who is assisting the Commission with the rulemaking and was informed that he has been in contact with a number of attorneys representing developers on Maui who will be submitting comments.

Legislative Acts and Resolutions

The following condominium related Acts and Resolutions were distributed for informational purposes:

- 1) Act 010 (SLH 2009)
- 2) Act 158 (SLH 2009)
- 3) Senate Resolution 113 S.D. 1 Urging The Real Estate Commission To Adopt And Submit A Strategic Plan To Allow Developers And Attorneys To Submit Condominium Registration Filings In Electronic Format; "ARELLO Timeshare Registry"

Consumer Education -- Draft 2 Condominium Property Regimes: Owner Rights and Responsibilities

Vice Chair Suiso announced that Draft 2 of the brochure has been circulated to stakeholders for comments. Those comments received from the Chair and Vice Chair of CRC along with staff will be provided to the vendor for incorporation. Should any other Commission members have any comments, please provide them to Specialist Yee by August 20, 2009.

Rulemaking, Chapter 53, Fees

REC proposals for Chapter 53, Fees, have been submitted and are currently with the Licensing Administrator for her review.

Condominium Specialist Office for the Day

The next Condominium Specialist Office of the Day will be held in October in Kona in conjunction with the Neighbor Island Outreach Program.

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.

Open Forum: No discussion presented.

CEF Budget & Finance Report: No report presented.

Next Meeting: September 9, 2009
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, Vice Chair Suiso adjourned the meeting at 10:07 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

August 24, 2009

Date

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