

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 14, 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: Michele Sunahara Loudermilk, Chair, Public / Honolulu Commissioner
Louis Abrams, Broker / Kauai Commissioner
Trudy Nishihara, Broker / Honolulu Commissioner
Carol Ball, Broker / Maui Commissioner
Stanley Kuriyama, Broker / Honolulu Commissioner
Frances Gendrano, Broker / Honolulu Commissioner
Walt Harvey, Broker / Honolulu Commissioner

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

Absent: Mark Suiso, Vice Chair, Public / Honolulu Commissioner
Annette Aiona, Broker / Hilo Commissioner

Call to Order: Chair Loudermilk called the meeting to order at 9:17 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.

Commissioners Suiso and Aiona were excused from today's meeting. Prior notice of Commissioner Suiso's non-attendance was received. Staff has been

notified that Commissioner Aiona's plane has been delayed due to mechanical difficulties.

Condominium
 Specialist's
 Report:

Minutes

Upon a motion by Commissioner Abrams, seconded by Commissioner Nishihara, it was voted on and unanimously carried to accept the minutes of the September 9, 2009 Condominium Review Committee meeting with typographical corrections.

Condominium
 Governance and
 Management:

AOUO Registrations

Specialist Stone reported that as of September 30, 2009, 1,511 AOUOs have successfully registered.

Case Law Review Program

The following articles from the September 2009 issue of *Community Association Management Insider* were distributed for informational purposes: "Court Defers to Board's Judgment Regarding Common Area Maintenance" and "Board of Directors Acted in Association's Best Interest."

Condominium Related Articles

The following articles were distributed for informational purposes: *CAI Hawaii* (August 2009) - "Adventures In Condominium Dispute Resolution," "Employing the Proper Hiring Tools," "Reevaluating Our Resident Manager Responsibilities;" and *Community Association Management Insider* (September 2009) - "Understanding Federal Energy Tax Credits for Condo Associations."

CDR Pilot Program

The following was distributed for informational purposes: CDR 0809-3 "*In the Matter of Pame Romano vs. Kuhio Village II AOA President Clarence Furuya, and Hawaiiana Management Agent Craig Richter.*"

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

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

PROJ#	PROJECT NAME	PROJECT ADDRESS	TMK #	UNITS	REPORT	DATE
6817	151 HANA HIGHWAY	151 HANA HWY PAIA HI 96779	226004011	10	B AMEND	9/1/2009
6865	3154 & 3154-A OLU STREET	3154 & 3154-A OLU ST HONOLULU HI 96816	131001005	2	B REPT	9/15/2009
6866	3158 & 3158-A OLU STREET	3158 & 3158-A OLU ST HONOLULU HI 96816	131001005	2	B REPT	9/15/2009
6835	5109 & 5111 LIKINI STREET	5109 & 5111 LIKINI ST HONOLULU HI 96818	111057026	2	B REPT	9/18/2009
6858	657 HAUSTEN CONDOMINIUM	657 HAUSTEN ST HONOLULU HI 96826	127014025	4	B REPT	9/1/2009
6862	67-226 & 67-228 KUPAHU STREET	67-226 & 67-228 KUPAHU ST WAIALUA HI 96791	167009069	2	B REPT	9/15/2009
6859	916 AND 920 CEDAR STREET	916 & 920 CEDAR ST HONOLULU HI 96814	123013021	2	B REPT	9/15/2009
5999	BROOKLYN'S HILLSIDE PHASE II	45-555 KEAAHALA RD KANEHOE HI 96744	145021004	2	SUPPL 2	9/18/2009

Condominium Review Committee
 Minutes of the October 14, 2009 Meeting
 Page 3

6855	BUSHIDO FARM CONDOMINIUM	190 APAU PL MAKAWAO HI 96768	224032065	2	B REPT	9/3/2009
6331	COTTAGES AT KULAMALU THE	KU'INEHE PLACE KULA HI 96790	223008044	40	B AMEND 2	9/30/2009
6854	HAWAIIANA GARDENS	1819 & 1821 LIPEEPEE ST HONOLULU HI 96815	126011037	36	B REPT	9/3/2009
6129	HPR ESTATES	3936 WAHA RD KALAHEO HI 96741	423017009	2	SUPPL 2	9/23/2009
6842	KAHAKAPAO HOMESTEADS MAKAI CONDO	67 EHU RD MAKAWAO HI 96768	224013226	2	B REPT	9/15/2009
6843	KAHAKAPAO HOMESTEADS MAUKA CONDO	75 EHU RD MAKAWAO HI 96768	224013218	2	B REPT	9/15/2009
6840	KANEAKUA OHANA	6287 OLOHENA RD KAPAA HI 96746	444009028	2	B REPT	9/3/2009
6871	KEAPUKA	45-577 PAHOLEI ST KANEHOE HI 96744	145087045	2	B REPT	9/28/2009
6741	KIPUKA BEACHWALK	2475 KIPUKA STREET KOLOA HI 96756	428023056	2	B REPT	9/1/2009
6833	KO`OLAU GARDENS CONDOMINIUM	300 HANA HWY HANA HI 96713	212004012	2	B REPT	9/15/2009
6861	KUPAHU 216	67-216 & 67-218 KUPAHU ST WAIALUA HI 96791	167009067	2	B REPT	9/1/2009
6820	LAULANI PHASE 10	91-1001 KEAUNUI DR EWA BEACH HI 96707	191149003	17	B AMEND	9/28/2009
6830	LAULANI PHASE 3	91-1001 KEAUNUI DR EWA BEACH HI 96707	191149003	17	B AMEND	9/28/2009
6881	MAKILA NUI LOT 9 CONDOMINIUM	91 & 99 WAILAU PL LAHAINA HI 96761	247001038	2	B REPT	9/30/2009
6853	MARINA GARDENS	1621 & 1627 ALA WAI BLVD HONOLULU HI 96815	126011034	36	B REPT	9/3/2009
6856	NA HALE KUMU	55-568 NANILOA LP LAIE HI 96762	155006035	33	B REPT	9/23/2009
6849	NOHONA AT KAPOLEI - PHASE II	KAIAU AVE KAPOLEI HI 96707	191016146	21	B REPT	9/1/2009
6822	NONOHE PLACE	4261 NONOHE PL LIHUE HI 96766	436018052	2	B REPT	9/30/2009
6868	NORTH SHORE HEALTH CENTER	2460 OKA ST KILAUEA HI 96754	452014050	2	B REPT	9/28/2009
5473	PAUMALU VALLEY VIEWS	59-178C KAMEHAMEHA HWY HALEIWA HI 96712	159006034	3	SUPPL	9/1/2009
6846	PINES AT KOELE THE	KAUNAOA DR LANAI CITY HI 96763	249021006	6	B REPT	9/1/2009
6838	RAGON CONDOMINIUM	80 KALAI PL LAHAINA HI 96761	248003089	2	B REPT	9/28/2009
6848	RESIDENCES AT 1920 WAIMANO HOME RD	1920 WAIMANO HOME RD PEARL CITY HI 96782	197075088	2	B REPT	9/1/2009
6872	THE TOWNHOMES AT KA MAKANA AT HOAKALEI INCREMENT 3	91-1371 & 91-1379 KEONEULA BLVD EWA BEACH HI 96706	191146027	12	B REPT	9/18/2009
6847	VICUKA VILLAS	HOONANI RD POIPU HI 96756	428015013	2	B REPT	9/28/2009
0	Preliminary Reports					
0	Contingent Final Reports					
0	Final Reports					
3	Supplementary Reports					
26	B Reports					
4	B Amendment Reports					
33	TOTAL REPORTS					

Case Law

The following case law was distributed for informational purposes: "*Save Diamond Head Waters, LLC. V. Hans Hedemann Surf, Inc.*" 119 Hawaii 452, 198 P.3d 715 (App. 2008).

§16-201-92, Hawaii Administrative Rules Report

Staff's decision to accept the request to add an additional unit to an existing project registered under Ch. 514B, HRS was distributed for informational purposes.

Program of Work: **Legislative Acts and Resolutions – SR 113, SD1 (SLH 2009) Electronic Filing Condominium Project Registration**

A draft of the Commission's strategic plan to consider electronic condominium project filing was distributed for information and discussion purposes. The Chair noted should any other Commissioner have comments to please provide to Specialist Leong as soon as possible. This strategic plan will be an addendum to the Commission's Annual Report to the Legislature.

Commissioner Abrams noted that the process as drafted and commented on by Chair Loudermilk seems fine.

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.

CETF Budget & Finance Report: No report presented.

Next Meeting: November 4, 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, Chair Loudermilk adjourned the meeting at 9:22 a.m.

Respectfully submitted:

/s/ Cheryl Leong

Cheryl Leong
Condominium Specialist

October 14, 2009

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____