

CONDOMINIUM REVIEW COMMITTEE
Real Estate Commission
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii
www.state.hi.us/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 4, 2002

Time: 11:00 a.m.

Place: Sheraton Waikiki Hotel
Kohala/Kona Rooms
2255 Kalakaua Avenue
Honolulu, Hawaii

Present: Mitchell Imanaka, Chair
Peter Rice, Vice Chair
Louis Abrams, Member
Patricia Choi, Member
Kathleen Kagawa, Member
John Ohama, Member
Iris Okawa, Member
Vern Yamanaka, Member

Calvin Kimura, Supervising Executive Officer
Alan Taniguchi, Executive Officer
Cynthia Yee, Senior Condominium Specialist
Diane Choy Fujimura, Senior Real Estate Specialist
Cheryl Leong, Condominium Specialist
David Grupen, Condominium Specialist
Gordon Arakaki, Recodification Attorney
Shari Wong, Deputy Attorney General
Irene Kotaka, Recording Secretary

Excused: Marshall Chinen, Member

Call to Order: Chair Imanaka called the meeting to order at 11:00 a.m., at which time quorum was established.

Commissioner Rice was excused from the meeting.

Chair's Report: David Grupen, new condominium specialist, was introduced to those present.

Chair Imanaka thanked the Hawaii Association of REALTORS for allowing the Commission to hold its meetings in conjunction with their Pacific Rim Conference.

Commissioner Rice returned to the meeting.

Condominium
Specialist's
Report:

Additional Distribution

The following materials were distributed prior to the start of the meeting:

4.b. AOA Registrations – 2001-2003 Biennium Registration – August 2002

5.a.1) Condominium Projects and Developer's Public Reports – August 2002

Minutes:

Upon a motion by Commissioner Rice, seconded by Commissioner Yamanaka, it was voted on and unanimously carried to accept the minutes of the August 14, 2002 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOAO / CMA / CHO Registrations

Specialist Leong reported that as of August 30, 2002, 1,444 AOAOs have successfully registered.

Upon a motion by Commissioner Rice, seconded by Commissioner Kagawa, it was voted on and unanimously carried to recommend approval to ratify issuance of effective registration dates for Association of Apartment Owners through August 30, 2002 for the 2001-2003 registration. The associations are as follows:

Coconut Grove at Kapalua Bay 8/01/2002

Napili Villas – Phase I 8/22/2002

Summit at Kaanapali – Phase I 8/09/2002

Mediation and Arbitration

Senior Condominium Specialist Yee informed the Commissioners that CAI – Hawaii Chapter has submitted a request to substitute the seminar, "Almost Free Legal Advice," which was scheduled for October 17, 2002, for the "Firing Line – Terminating Association Employees – Do's and Don'ts" seminar. The featured speaker, John L. Knorek, of Torkildson, Katz, Fonseca, Moore and Hetherington, is an experienced labor attorney.

Upon a motion by Commissioner Rice, seconded by Commissioner Choi, it was voted on and unanimously carried to approve the request to substitute the seminar, "Firing Line – Terminating Association Employees – Do's and Don'ts," in lieu of "Almost Free Legal Advice."

Chair Imanaka asked whether CAI Hawaii would be scheduling "Almost Free Legal Advice" seminar at another time? Senior Condominium Specialist Yee stated that she was not sure but she will follow up on this and report back at the next meeting.

Education Calendar - Updated calendar of condominium events circulated for information. This information is also provided on the Commission's webpage.

Case Law Review Program

Excerpts from a Lexis search of condominium association case laws were distributed for informational purposes.

The Commissioners were asked to notify REB staff if they were interested in receiving further information on the cases mentioned.

Condominium Related Articles

The article entitled "Exterior Modifications" from the June-July 2002 issue of *Building Management Hawaii* was distributed for informational purposes.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

Upon a motion by Commissioner Abrams, seconded by Commissioner Rice, it was voted on and unanimously carried to recommend approval to ratify issuance of effective dates for public reports for the month of August 2002 as follows:

Proj No	Project Name	Project Address	TMK #	Report	Date
4090	47-501 AHUIMANU ROAD	47-501 AHUIMANU RD KANEHOE HI 96744	(1)4-07-057:029	Suppl 1	08/23/02
4908	59-068A KAMEHAMEHA HIGHWAY	59-068 A KAMEHAMEHA HWY HALEIWA HI 96712	(1)5-9-006:021	Final	08/22/02
4906	94-1088 FARRINGTON	94-1088 FARRINGTON HWY WAIPAHA HI 96797	(1)9-04-036:001	Final	08/02/02
4894	ARRUDA ESTATES I	6411 KAWAIHAU RD KAPAA HI 96746	(4)4-06-007:027	Final	08/02/02
4874	BENOIST/LALOUX CONDOMINIUM	125 PEAHI RD HAIKU HI 96708	(2)2-07-013:026	Final	08/29/02
4841	CORTEBELLA PHASE 14	91-1836 LUAHOANA ST EWA BEACH HI 96706	(1)9-01-010:048	Final	08/02/02
4899	DELMONTE PLACE 8	2020 & 2060 PUAALA ST HONOLULU HI 96819	(1)1-03-017:034	Final	08/13/02
4911	DESTINY II AT MILILANI MAUKA PH IV	PA'ALI'I ST/KAIAMU PL MILILANI HI 96789	(1)9-05-002:034	Prelim	08/06/02
4879	FAIRWAY VILLAS AT WAIKOLOA BEACH RESORT	WAIKOLOA BEACH DR WAIKOLOA HI	(3)6-09-008:003	Cont. Final	08/19/02
4833	HU'ELANI PHASE 4	91-242 PUKINI PLACE EWA BEACH HI 96706	(1)9-01-116:007	Final	08/02/02
4901	KAILUA BAY RESORT	75-5669 KUAKINI HWY KAILUA-KONA HI 96740	(3)7-05-004:021	Final	08/07/02
4885	KAOPA PARK PLACE	KAHAKO ST KAILUA HI 96734	(1)4-02-101:016	Final	08/02/02
3270	KILOHANA KAI SUBDIVISION CONDO	UALAPUE PLACE MOLOKAI HI	(2)5-06-002:007	Suppl 2	08/26/02
4519	MANGO HILLS	2506 N SCHOOL ST HONOLULU HI 96819	(1)1-03-011:078	Suppl 1	08/27/02
4842	TERRAZZA PHASE 15	91-216 MAKALE'A ST EWA BEACH HI 96706	(1)9-01-010:049	Final	08/13/02
4902	UNIVERSITY PARKSIDE	LOT1 UNIVERSITY HGTS WEST NORTH KONA HI	(3)7-03-056:035	Final	08/20/02
4752	WAIKOLOA COLONY VILLAS	LOT 7 WAIKOLOA BEACH RESORT S KOHALA HI	(3)6-09-007:035	Final	08/27/02

Preliminary Reports: 1
 Contingent Final Reports: 1
 Final Reports: 12
 Supplementary Reports: 3

Total: 17

County of Hawaii

A copy of the letter from Christopher J. Yuen, Planning Director, County of Hawaii, was distributed to the Commissioners for their information. Chair Imanaka reported that the hearing on the proposed amendments to the Hawaii County Ordinance on Condominiums

was postponed to the end of August. The Council then approved the ordinance on the agenda. The ordinance is still pending the mayor's signature.

Chair Imanaka reported that it has been and still remains the intention of the Commission to not interfere with policy decisions of the County of Hawaii. Throughout discussions and correspondence with the County of Hawaii, the Commission has tried to serve in an advisory capacity to define the scope and terms of Section 514A, Hawaii Revised Statutes. The Commission has raised their concerns to the County of Hawaii for their consideration. The Commission's participation in this issue should be coming to a close. At this time, no further informational response appear necessary.

Wemple v. Wemple, et. al., No. 21497, June 3, 2002 *Hawaii Bar Journal* page 19 (August 2002)

A summary of the Wemple v. Wemple, et al., case, which appeared in the August 2002 issue of the *Hawaii Bar Journal*, was distributed to the Commissioners for their information.

***Community Association Law Reporter* (August 2002)**

The following articles from the August 2002 issue of the *Community Association Law Reporter* were distributed for informational purposes: "Question of Fact Exists as to Whether City Waived Right to Complain About Violation of Deed Restriction," and "Developer Loses Title to Common Area Improvements."

Program of Work: **Recodification of Chapter 514A**

The Recodification Attorney provided a report on the status of the recodification of Chapter 514A, HRS. He reported that the first draft was based on the uniform laws. He is hoping to have Draft 2 completed by the end of the month. The Blue Ribbon Committee is working hard on it. At the end of December, the Recodification Report will need to be submitted to the Legislature. The Commission will be submitting the report directly to the Legislature.

Chair Imanaka thanked the Recodification Attorney for his hard work.

CMEF Budget & Finance Report: No report presented.

Condominium Organizations Forum: There were no comments, recommendations or concerns 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.

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Next Meeting: October 9, 2002; 11:00 a.m.
 Kapuaiwa Room
 HRH Princess Victoria Kamamalu Bldg.
 1010 Richards Street, Second Floor
 Honolulu, Hawaii 96813

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

Respectfully submitted:

/s/ Cynthia M. L. Yee
Cynthia M. L. Yee
Senior Condominium Specialist

October 9, 2002
Date

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