

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: June 10, 2003

Time: Upon adjournment of the Education Review Committee meeting which followed the Laws and Rules Review Committee meeting which convened at 9:00 a.m.

Place: Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Present: John Ohama, Member
Louis Abrams, Member
Marshall Chinen, Member
Patricia Choi, Member
Kathleen Kagawa, Member
Iris Okawa, Member

Calvin Kimura, Supervising Executive Officer
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
David Grupen, Condominium Specialist
Diane Choy Fujimura, Senior Real Estate Specialist
Russell Wong, Real Estate Specialist
Lorene Arata, Real Estate Specialist
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary

Others: Trudy Nishihara, Incoming Commission member
John Nichols

Excused: Mitchell Imanaka, Chair
Peter Rice, Vice Chair
Vern Yamanaka, Member

Call to Order: Chair Pro Tem Ohama called the meeting to order at 10:45 a.m., at which time quorum was established.

Chair's Report: No report was presented.

Condominium Specialist's Report: **Additional Distribution**
The following materials were distributed prior to the start of the meeting:

5.a.4) §514A-107, HRS – Request for Informal Non-Binding Opinion,
John Nichols – distribution item provided by Mr. Nichols.

Condominium
Project
Registration:

§514A-107, HRS – Request for Informal Non-Binding Opinion – John Nichols

Specialist Yee informed the committee that Mr. Nichols is requesting that the Commission take no action against him for his anticipated failure to satisfy his owner-occupant affidavit.

Mr. Nichols informed the committee that when he purchased the home and signed the owner-occupant affidavit, he had every intention of living in the home and residing in Hawaii. Since that time he has received a job offer in North Carolina and would like to accept the position. Mr. Nichols informed the committee that he has spoken to the legal department at Gentry Homes and they have informed him that Gentry Homes has met and exceeded the 50% sales to owner-occupant requirement.

Commissioner Okawa reported she understands that under the statute, the Commission would be able to grant a waiver due to certain extenuating circumstances which may affect the person's ability to comply with the law.

Mr. Nichols provided the committee with a letter dated May 30, 2003 from Paul D. Collins, Project Manager of KIRCO, anticipated employer of Mr. Nichols and a letter dated May 28, 2003 from Marguerite Daysog of Gentry Homes informing the Commission that Gentry Homes listed only five of the ten units in Terrazza, Phase 16 in the Pre Sale Notice, but did sell all ten units to owner-occupants.

Specialist Yee noted that the letter from Mr. Collins was unsigned.

Mr. Nichols stated that it was an oversight and will be able to get a copy of the signed letter to Specialist Yee.

Upon a motion by Commissioner Okawa, seconded by Commissioner Abrams, it was voted on and unanimously carried that pursuant to §514A-107 (b)(2) “unforeseeable job or military transfer” or “any other unforeseeable occurrence subsequent to execution of the affidavit,” and subject to review and advice of the Commission’s Deputy Attorney General, recommend approval, to issue a Real Estate Commission “no action” letter subject to the following conditions:

- Verification of the reported job offer, and
- Supporting documentation from Gentry Hawaii indicating agreement to allowing the resale of the condominium before the expiration of 365 days.

Minutes:

Upon a motion by Commissioner Choi, seconded by Commissioner Kagawa, it was voted on and unanimously carried to accept the minutes of the May 8, 2003 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOAO Registrations

Specialist Grupen reported that 397 AOAOs have been successfully registered during the month of May, 2003. Of the total reregistrations received, 38% have been online and 62% have been either mail-in or hand delivered.

Upon a motion by Commissioner Okawa, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend approval to ratify effective dates of July 1, 2003 for the AOAO 2003-2005 biennium registrations through May 31, 2003. The associations are as follows:

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Project Name	Reg Date	Project Name	Reg Date
1015 WILDER	7/1/2003	1037 KAHUAMOKU	7/1/2003
1133 WAIMANU	7/1/2003	1145 DAVENPORT	7/1/2003
1260 RICHARD LANE	7/1/2003	1412 KEWALO	7/1/2003
1448 YOUNG ST	7/1/2003	1450 YOUNG STREET	7/1/2003
1515 PELE STREET	7/1/2003	1555 POHAKU	7/1/2003
1616 KEWALO (AKA MAKIKI IKI)	7/1/2003	1617 MILLER ST	7/1/2003
1634 NUUANU	7/1/2003	1635 YOUNG	7/1/2003
1718 ANAPUNI	7/1/2003	2024 WAIOLA	7/1/2003
2040 NUUANU	7/1/2003	2987 KALAKAUA	7/1/2003
33 HUALALAI	7/1/2003	3346 EAST MANOA ROAD	7/1/2003
3388 SALT LAKE	7/1/2003	417 NAMAHAHA	7/1/2003
441 LEWERS	7/1/2003	465 KAPAHULU	7/1/2003
855 OLOKELE THE	7/1/2003	936 LEHUA	7/1/2003
999 WILDER	7/1/2003	ACACIA PARK	7/1/2003
AIEA RIDGE	7/1/2003	ALA KA LA	7/1/2003
ALA WAILANI	7/1/2003	ALEO HALE	7/1/2003
ALEXANDER TOWERS	7/1/2003	ALII COVE/ALII COURT/ LOFTS MDL	7/1/2003
ALII KAI AT HANALEI	7/1/2003	ALII PLANTATION	7/1/2003
ANAPUNI MANOR	7/1/2003	ANGA-ROA CONDOMINIUM	7/1/2003
AWIHI TOWNHOUSE	7/1/2003	BANYAN GARDENS	7/1/2003
BANYAN TREE PLAZA THE	7/1/2003	BANYAN TREE THE	7/1/2003
BAY CLUB@WAIKOLOA BCH RESORT	7/1/2003	BIG SURF	7/1/2003
BIRCH & ELM	7/1/2003	BOUGANVILLE THE	7/1/2003
CAL-CAM CENTRE III	7/1/2003	CAMBRIDGE THE	7/1/2003
CAMELOT	7/1/2003	CANDLEWOOD CONDOMINIUM THE	7/1/2003
CANTERBURY PLACE	7/1/2003	CARTER PROFESSIONAL CENTER	7/1/2003
CASSANDRA	7/1/2003	CATHEDRAL PT-MELEMENU	7/1/2003
CEDAR COURT	7/1/2003	CHANDELIER THE	7/1/2003
CHANNEL HOUSE	7/1/2003	CHATEAU NEWTOWN I	7/1/2003
CLIFFSIDE VILLAGES AT WAIPIO INC	7/1/2003	CLUB VIEW GARDENS III	7/1/2003
COMMODORE	7/1/2003	CONTESSA THE	7/1/2003
COOLIDGE GARDENS	7/1/2003	CORONADO	7/1/2003
COUNTRY CLUB PLAZA THE	7/1/2003	COUNTRY CLUB VILLAGE	7/1/2003
CRESCENT LANE	7/1/2003	CREST AT WAILUNA THE	7/1/2003
CROSSPOINTE	7/1/2003	CROWN KINAU	7/1/2003
DESTINY AT MILILANI MAUKA PHASES I -7/1/2003		DIAMOND HEAD HILLSIDE	7/1/2003
DIAMOND HEAD PLAZA CONDO	7/1/2003	DIAMOND HEAD SANDS	7/1/2003
DYNASTY TOWER	7/1/2003	EMERSON PLAZA	7/1/2003
EMMALANI COURT	7/1/2003	EXECUTIVE CENTRE	7/1/2003
FAIRWAY VILLAGE AT WAIKELE	7/1/2003	FERN TERRACE	7/1/2003
FIVE REGENTS INC	7/1/2003	GARDEN GROVES	7/1/2003
GREENS AT WAIKOLOA THE	7/1/2003	GREENWAY THE	7/1/2003
GREENWOOD THE	7/1/2003	HALAULANI CONDOMINIUM	7/1/2003
HALE HOALOHA	7/1/2003	HALE HONU	7/1/2003
HALE KAHAKAI APTS, HILO, HAWAII INC7/1/2003		HALE KAI	7/1/2003
HALE KAIMUKI	7/1/2003	HALE KEHAU PHASE I	7/1/2003
HALE MAILE CONDOMINIUMS	7/1/2003	HALE MAKALEI	7/1/2003
HALE MANOA	7/1/2003	HALE O KALANI TOWERS THE	7/1/2003
HALE O KANOA	7/1/2003	HALE O PUMEHANA	7/1/2003
HALE ONO LOA	7/1/2003	HALE POHAKU	7/1/2003
HALE POKI	7/1/2003	HALE ROYALE	7/1/2003
HALE UMI	7/1/2003	HALELANI VILLAGE AT PUHI	7/1/2003
HAMPTON COURT	7/1/2003	HANA KAI-MAUI	7/1/2003
HANALEI BAY RESORT	7/1/2003	HANALEI BAY VILLAS	7/1/2003
HARBOR POINTE	7/1/2003	HARBOR SHORES APARTMENTS	7/1/2003
HARBOR SQUARE	7/1/2003	HARBOR VISTA APARTMENTS	7/1/2003
HASSINGER GARDENS	7/1/2003	HASSINGER THE	7/1/2003
HAVENS OF 'II VISTAS	7/1/2003	HAWAII BUSINESS PARK	7/1/2003
HAWAIIAN CROWN	7/1/2003	HERITAGE HOUSE HAWAII-KAI	7/1/2003
HIDDEN VALLEY ESTATES	7/1/2003	HILLSDALE	7/1/2003
HILLSIDE TERRACE	7/1/2003	HILLSIDE TERRACE II	7/1/2003
HILLSIDE TERRACE III	7/1/2003	HO'OKUMU AT WAIKELE	7/1/2003
HO'OMAKA VILLAGE	7/1/2003	HOKUALA HALE	7/1/2003
HOLIDAY APARTMENTS THE	7/1/2003	HOLIDAY PARKWAY	7/1/2003
HOLIDAY VILLAGE	7/1/2003	HOLUALOA GARDENS	7/1/2003
HONALO BUSINESS CENTER	7/1/2003	HONOKEANA COVE	7/1/2003
HONOKOWAI APARTMENTS	7/1/2003	HONOKOWAI EAST	7/1/2003

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HONOLULU TOWER	7/1/2003	HONUAKAHA	7/1/2003
HOYOCHI NIKKO	7/1/2003	ILIKAI APARTMENT BUILDING INC	7/1/2003
ILIMA GARDENS	7/1/2003	INDUSTRIAL PLAZA	7/1/2003
INN ON THE PARK	7/1/2003	IOLANI PALMS	7/1/2003
IOLANI THE	7/1/2003	ISLANDS AT MAUNA LANI THE	7/1/2003
JASON APARTMENTS	7/1/2003	KA MOMI NANI HEIGHTS	7/1/2003
KAANAPALI ALII	7/1/2003	KAANAPALI SHORES	7/1/2003
KAHA LANI	7/1/2003	KAHALELAUNI	7/1/2003
KAHALUU HILLSIDE	7/1/2003	KAHANA KAI THE	7/1/2003
KAHANA REEF	7/1/2003	KAHANA VILLAGE	7/1/2003
KAI NANI	7/1/2003	KAIMUKI PARKSIDE	7/1/2003
KALAHEO PALI KAI	7/1/2003	KALAMA TERRACE APTS THE	7/1/2003
KALAPAKI VILLAS	7/1/2003	KALEIALOHA	7/1/2003
KALEPA BUSINESS CENTER	7/1/2003	KALIHI GARDENS	7/1/2003
KALOKOHANA BUSINESS CENTER	7/1/2003	KAMAANA HALE	7/1/2003
KAMALIE HALE	7/1/2003	KAMANI TREES	7/1/2003
KAMAOLE NALU CONDOMINIUM	7/1/2003	KANALOA AT KONA	7/1/2003
KANEDA COURTS	7/1/2003	KANOE APARTMENTS	7/1/2003
KAPALAMA MAKAI	7/1/2003	KAPALAMA UKA	7/1/2003
KAPIOLANI HOUSE	7/1/2003	KAPIOLANI VILLA	7/1/2003
KAUHALE CONDOMINIUM	7/1/2003	KAUHALE MAKAI	7/1/2003
KAWAIHAE CRESCENT EAST	7/1/2003	KAWAIHAU SPORTS VILLA	7/1/2003
KAWILI REGENCY	7/1/2003	KEALOHA ARMS	7/1/2003
KEAUHOU GARDENS INC	7/1/2003	KEAUHOU KONA SURF & RAQUET CLUB	7/1/2003
KEWALO HALE	7/1/2003	KIAHUNA PLANTATION	7/1/2003
KIHEI BAY SURF	7/1/2003	KIHEI BAY VISTA	7/1/2003
KIHEI SHORES (FKA MAUI COURT)	7/1/2003	KIHEI VILLAGES	7/1/2003
KOKEA GARDENS	7/1/2003	KOKO HEAD VILLA	7/1/2003
KONA ALII THE	7/1/2003	KONA BY THE SEA	7/1/2003
KONA DRIFTWOOD CONDOMINIUM	7/1/2003	KONA EASTWIND	7/1/2003
KONA ISLANDER INN	7/1/2003	KONA KAI	7/1/2003
KONA PALMS	7/1/2003	KONA PLAZA	7/1/2003
KONA POLYNESIA HOMEOWNERS ASSN	7/1/2003	KONA SUNSET VILLAS	7/1/2003
KONA WEST	7/1/2003	KONA WESTWIND	7/1/2003
KU'ULAKO	7/1/2003	KUAHELANI APARTMENTS	7/1/2003
KUAHINE THE	7/1/2003	KUAKINI MEDICAL PLAZA	7/1/2003
KUANI HILLSIDE	7/1/2003	KUAPA ISLE	7/1/2003
KUKUI PLAZA	7/1/2003	KULAKANE APARTMENTS	7/1/2003
KULANA KNOLLS	7/1/2003	KUMELEWAI GARDENS	7/1/2003
KUNIA GARDENS	7/1/2003	KUPONO	7/1/2003
LA CASA	7/1/2003	LAE NANI	7/1/2003
LAHAINA SHORES	7/1/2003	LAKE VIEW ROYAL INC	7/1/2003
LAKEVIEW GARDENS	7/1/2003	LALAWAI HALE	7/1/2003
LAWAI BEACH RESORT	7/1/2003	LEHUA MANOR	7/1/2003
LEHUA NANI	7/1/2003	LEILEHUA THE	7/1/2003
LEISURE HERITAGE APARTMENTS	7/1/2003	LEOLUA GARDENS	7/1/2003
LEOLUA VISTA	7/1/2003	LIHOLIHO TOWNHOUSES THE	7/1/2003
LIKINI WEST	7/1/2003	LILIKOI THE	7/1/2003
LILIUOKALANI PLAZA	7/1/2003	LOKELANI	7/1/2003
LUALUALEI- I	7/1/2003	LUNA-LIHO TOWERS	7/1/2003
LUNALILO GARDENS	7/1/2003	LYDGATE RISE AGRICULTURAL CONDO	7/1/2003
MAHINAHINA BEACH	7/1/2003	MAILE APARTMENTS	7/1/2003
MAILI COVE INC	7/1/2003	MAKAHA VALLEY TOWERS	7/1/2003
MAKAHUENA THE	7/1/2003	MAKAKILO GARDENS INCR NO 1	7/1/2003
MAKAKILO HALE I INC	7/1/2003	MAKANI SANDS APARTMENTS	7/1/2003
MAKAUA VILLAGE	7/1/2003	MAKIKI EAST	7/1/2003
MAKIKI HILLSIDE	7/1/2003	MAKIKI KAI	7/1/2003
MAKIKI MANOR	7/1/2003	MAKIKI PLAZA	7/1/2003
MAKIKI REGENT	7/1/2003	MAKIKI WEST	7/1/2003
MALIA KAI	7/1/2003	MAMUAD OHANA	7/1/2003
MANOA ESTATES	7/1/2003	MARRIOTT'S KAUAI RSRT & BCH CLUB	7/1/2003
MAUI HILL	7/1/2003	MAUI OCEAN CLUB	7/1/2003
MAUNA LANI POINT	7/1/2003	MAUNAIHI APARTMENTS	7/1/2003
MILILANI GRDN HOMES UNIT NO 1	7/1/2003	MILILANI TERRACE	7/1/2003
MOIILILI GARDENS	7/1/2003	MOKULANI APARTMENTS	7/1/2003
MOKULEIA COUNTRY HOMES	7/1/2003	MOKULEIA HALE	7/1/2003
MOKULEIA SANDS	7/1/2003	MOTT-SMITH LANILOA	7/1/2003
NAHALEKEHA	7/1/2003	NAHOA APARTMENTS	7/1/2003

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NALANUI HALE	7/1/2003	NANI O KALALEA RANCH	7/1/2003
NANIHALA	7/1/2003	NAPILI BAY	7/1/2003
NEWTOWN VILLA II	7/1/2003	NIIHAU APARTMENTS INC	7/1/2003
NOHONANI	7/1/2003	NUUANU STREAMSIDE PHASE II	7/1/2003
NUUANU TOWERS	7/1/2003	OAHU SURF II	7/1/2003
OCEAN VISTA	7/1/2003	ONO VISTA	7/1/2003
OPUA HALE PATIO HOMES	7/1/2003	PACIFIC GRAND	7/1/2003
PACIFIC HEIGHTS TWN HSE CONDO I	7/1/2003	PACIFIC MANOR	7/1/2003
PACIFIC MONARCH	7/1/2003	PALANI HALE	7/1/2003
PALEHUA TOWNHOUSES	7/1/2003	PALMS AT WAILEA THE	7/1/2003
PARKLAND GARDENS	7/1/2003	PARKVIEW AT WAIKELE	7/1/2003
PAVILION AT WAIKIKI THE	7/1/2003	PAWAA GARDENS	7/1/2003
PEARL INDUSTRIAL CONDOMINIUM	7/1/2003	PEARL KAI TERRACE	7/1/2003
PEARL NUMBER ONE INC THE	7/1/2003	PEARL RDGE GDN & PEARL RDGE TWR	7/1/2003
PIIKOI VILLA	7/1/2003	PIKAKE MANOR	7/1/2003
PIKAKE THE	7/1/2003	PLANTATION HALE	7/1/2003
PLAZA AT CENTURY COURT	7/1/2003	POIPU CRATER	7/1/2003
POIPU KAPILI	7/1/2003	POKAI BAY BEACH CABANAS	7/1/2003
POLYNESIAN SUNSET I	7/1/2003	POMAIKAI	7/1/2003
PRINCE KUHIO	7/1/2003	PRINCESS KEALOHA	7/1/2003
PRINCEVILLE SEALODGE CONDO	7/1/2003	PROMENADE THE	7/1/2003
PROSPECT PARK THE	7/1/2003	PUALANI TERRACE - COMMERCIAL INCR	7/1/2003
PUANA MALU	7/1/2003	PUHIAHI BUSINESS CENTER	7/1/2003
PUMEHANA THE	7/1/2003	PUNAHOU GARDENS APARTMENTS	7/1/2003
PUNAHOU PARK PLACE	7/1/2003	PUNAHOU ROYALE	7/1/2003
PUNAHOU TOWER	7/1/2003	PUNAHOU WILDER CONDOMINIUM	7/1/2003
PUU ALII PHASE 1	7/1/2003	PUIIKI BEACH APARTMENTS	7/1/2003
PUUONE TERRACE	7/1/2003	RAINBOW TERRACE	7/1/2003
REGENCY AT KAHALA THE	7/1/2003	RESIDENCE AT PUNAHOU THE	7/1/2003
RIDGE THE	7/1/2003	RIDGEWAY UNIT B PHASE II THE	7/1/2003
RIDGEWAY UNIT C THE	7/1/2003	RIDGEWAY UNIT D THE	7/1/2003
ROSE AT LUSITANA THE	7/1/2003	ROYAL ALOHA	7/1/2003
ROYAL COURT	7/1/2003	ROYAL KAHANA	7/1/2003
ROYAL VISTA	7/1/2003	RYCROFT MANOR	7/1/2003
SALT LAKE MANOR	7/1/2003	SCENIC TOWERS	7/1/2003
SEA VIEW	7/1/2003	SEALODGE II	7/1/2003
SHANGRI-LA	7/1/2003	SHORES@WAIKOLOA BCH RSRT THE	7/1/2003
SIXTEEN REGENTS	7/1/2003	SPINNAKER THE	7/1/2003
SPRECKLES ST WEST	7/1/2003	SU CASA	7/1/2003
SUMMER VILLA THE	7/1/2003	SUNCREST/LOMBARD WAY/AVALON	7/1/2003
TAN APARTMENTS	7/1/2003	THREE REGENTS	7/1/2003
TROPICANA MANOR-MOANALUA	7/1/2003	TROPICS AT WAIKELE THE	7/1/2003
TWIN-TOWERS THE	7/1/2003	UKE'E INDUSTRIAL COURT	7/1/2003
ULULANI MEDICAL CENTER	7/1/2003	UNION PLAZA	7/1/2003
UNIVERSITY TOWERS	7/1/2003	VALLEY ISLE RESORT CONDO	7/1/2003
VARSIITY VILLA	7/1/2003	VICTORIA MANSIONS	7/1/2003
VILLAS AT KEAUKOU ESTATES	7/1/2003	VILLAS ON THE PRINCE	7/1/2003
WAI'AKA VILLAGE	7/1/2003	WAI'AU GARDEN COURT	7/1/2003
WAI'AU GARDENS KAI UNIT A	7/1/2003	WAI'AU GARDENS KAI UNIT D	7/1/2003
WAI'AU GARDENS KAI UNIT E	7/1/2003	WAI'AU GARDENS KAI UNIT G-II	7/1/2003
WAIHONA INDUSTRIAL CENTER	7/1/2003	WAIKIKI BEACH TOWER	7/1/2003
WAIKIKI COVE	7/1/2003	WAIKIKI HOLIDAY	7/1/2003
WAIKIKI JOY HOTEL	7/1/2003	WAIKIKI LANAIS	7/1/2003
WAIKIKI SHORE	7/1/2003	WAIKIKI SKYTOWER	7/1/2003
WAIKOMO STREAM VILLAS	7/1/2003	WAILUA BAY VIEW APARTMENTS	7/1/2003
WAILUKU PARK TOWNHOUSES	7/1/2003	WAI'OHAI BEACH CLUB	7/1/2003
WAIPEHE APARTMENTS	7/1/2003	WAIPIO GARDENS APARTMENTS	7/1/2003
WAIPIOLANI	7/1/2003	WARD LANAI THE	7/1/2003
WEST LOCH FAIRWAYS TOWNHOMES	7/1/2003	WESTVIEW AT MAKAKILO HEIGHTS	7/1/2003
WHALER ON KAA NAPALI BCH THE	7/1/2003	WHITE PEARL APARTMENTS	7/1/2003
WILDER HOUSE	7/1/2003	WILDER TERRACE	7/1/2003
WILDER TOWER	7/1/2003	WILDER-KEEAUMOKU APARTMENTS	7/1/2003
WOODCREEK	7/1/2003	WOODLANDS AT NUUANU THE	7/1/2003
WOODROSE THE	7/1/2003		

Total: 397

Education Advisory Group – Report

Specialist Yee reported that the Educational Advisory Group is working on revising the survey report submitted by the former HPU students. The statistical analysis is there but the written report needs to be revisited. The former HPU students are requesting payment should they do additional research and revise the report.

Condominium Seminars and Symposium

CAI Hawaii will be offering a seminar entitled "Condo Wars" on June 21, 2003 as a CMEF subsidized seminar. Any commission member interested in monitoring the seminar on behalf of the Commission should contact staff. Commissioner Okawa will check her available dates and contact staff.

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

Case Law Review Program

The following articles were distributed for informational purposes: "Discrepancy in an Association's Name Does Not Void Covenants" *Community Association Law Reporter* (April 2003); "Amendment to Create Assessment and Lien Right Ruled Invalid" *Community Association Law Reporter* (April 2003); and "CA families receive \$130,000 and permanent injunction in federal "no kids outside" suit" *National Fair Housing Advocate* (March 2003).

Condominium Related Articles

The article entitled "Minutes" from the April 2003 issue of *Hawaii Community Associations* was distributed for informational purposes. Staff will request permission from CAI to include the article on the Commission's website.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

Upon a motion by Commissioner Choi, seconded by Commissioner Chinen, it was voted on and unanimously carried to recommend approval to ratify issuance of effective dates for public reports for the month of May 2003 as follows:

Proj No	Project Name	Project Address	TMK #	Report	Date
5077	1432 & 1434 WILHELMINA RISE	1432 & 1434 WILHELMINA RISE HONOLULU HI 96816	(1)3-03-008:047	Final	05/20/03
5053	1560 KEALIA	1560 KEALIA DR HONOLULU HI 96817	(1)1-06-018:109	Final	05/02/03
5056	2182 AND 2184 ROUND TOP DRIVE	2182/2184 ROUND TOP DR HONOLULU HI 96822	(1)2-05-006:014	Final	05/05/03
5028	395 KAHOLALELE ROAD	395 KAHOLALELE RD KAPAA HI 96746	(4)4-02-014:044	Final	05/29/03
5093	413 KIHAPAI STREET	413 KIHAPAI ST KAILUA HI 96734	(1)4-03-062:099	Final	05/20/03
5060	845 9TH AVENUE	845 9TH AVE HONOLULU HI 96816	(1)3-02-021:016	Final	05/02/03
5061	99-039 AND 99-039A KAAMILO ST	99-039 & 99-039A KAAMILO ST AIEA HI 96701	(1)9-09-067:033	Final	05/08/03
4599	ALOHI AKA	LOT 24 HOOMALU KAILUA KONA HI 96740	(3)7-07-004:091	Final	05/19/03
5006	ANA KAPA'A	LOT 2 BLOCK A KAPAA TOWN LOTS KAPAA HI	(4)4-05-014:020	Final	05/29/03

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4952	BONILLA-BALMORES COMPLEX THE	1440 BERNICE ST/1405 GREGORY ST	(1)1-06-025:003	Final	05/28/03
4925	COCONUT PLNTN@KO OLINA	HONOLULU HI 96817			
5052	RESRT&MARINA 4	92-1070 OLANI ST	(1)9-01-056:004	Final	05/05/03
5071	CORAL REEF	KAPOLEI HI 96707			
5071	HOONANEA TWO CONDOMINIUM	2299 KUHIO AVE	(1)2-06-022:002	Prelim	05/01/03
5066	RESIDENCE	HONOLULU HI 96815			
5066	KALOLA	2239 & 2241 HOONANEA ST	(1)2-08-014:076	Final	05/14/03
5082	KE NOHO TOWNHOMES INCR. 3	HONOLULU HI 96822			
4721	LOT 8 SLEEPING GIANT ACRES	LOT 39 POR ROYAL PATENT 2910,	(3)8-01-002:007	Final	05/27/03
5000	OHANA FARM ACRES	S KONA HI			
5088	TIBURON PHASE 6	KEONE'ULA BLVD & KAPOLIE PARKW	(1)9-01-012:005	Final	05/12/03
5092	TIBURON PHASE 7	EWA BEACH HI 96706			
5075	TIBURON PHASE 8	LOT 8 SLEEPING GIANT ACRES SUB	(4)4-04-011:035	Suppl 1	05/15/03
		KAPAA HI			
		4901 KIKALA RD	(4)2-04-005:120	Final	05/05/03
		KALAHEO HI 96741			
		91-600 TO 91-622 MAKALE'A ST	(1)9-01-010:082	Prelim	05/14/03
		EWA BEACH HI 96706			
		91-624 TO 91-640 MAKALE'A ST	(1)9-01-010:082	Prelim	05/14/03
		EWA BEACH HI 96706			
		91-1062 TO 91-1078 KOMO'AINA ST	(1)9-01-010:082	Prelim	05/01/03
		EWA BEACH HI 96706			

Preliminary Reports: 4
 Contingent Final Reports: 0
 Final Reports: 15
 Supplementary Reports: 1

Total: 20

§§514A-31, 514A-41, 514A-61, HRS and §16-107-18, HAR – Request for An Informal Non-Binding Opinion, AOA Hono Kai CPR # 339

Mr. Wimberley, attorney for AOA Hono Kai is requesting the issuance of a developer's supplementary public report where sales have been completed due to a request made by the County of Maui's Planning Department to reflect that the unit being leased by the association is a commercial unit. The declaration describes the rented unit as a common element and refers to the unit as a "commercial apartment."

Specialist Yee informed the committee that the Commission does not get involved once all inventory has been sold. Normally if changes are made after the sale of the initial inventory, revisions are made by amendments of the declaration or bylaws and not by means of the developer's public report.

Upon a motion by Commissioner Abrams, seconded by Commissioner Okawa, it was voted on and unanimously carried that subject to the review and advice of the Commission's Deputy Attorney General, recommend approval to issue a letter informing both the requesting party and the County of Maui Department of Planning of the Commission's informal non-binding opinion that:

- §§514A-31, 514A-41, 514A-61, HRS, and §16-107-18, HAR, and Chapter 514A, HRS, read and taken together as a whole does not allow the Commission's issuance of an effective date for a developer's supplementary public report where initial sales have been completed; and
- Perhaps all parties should explore, research, and seek the advice of an attorney whether an amendment to the declaration would address the parties' concerns.

Program of Work: **Legislative Acts and Resolutions – Act 53**

A copy of Act 53 relating to Condominium Property Regimes was distributed for informational purposes.

Recodification of Chapter 514A

Specialist Yee reported that the recodification of Chapter 514A is moving along. Recodification attorney Arakaki is fine tuning the draft for review by the blue ribbon panel and recently met with representatives from One Kalakaua regarding senior living.

Commissioner Okawa requested that Mr. Arakaki be in contact with the different County agencies on the recodification effort.

Condominium Specialists Office for the Day – Kona

A written report was distributed for informational purposes.

Program of Work and Budget, FY04

SEO Kimura reported that the recodification project will be the highest priority for fiscal year 2004, excepting budget issues. The recodification bill will include an educational component. The program of work and budget includes a \$95,000 budget and position for the recodification program for fiscal year 2004. Another major program for the upcoming fiscal year will be the Advice, Education and Referral program. It has been brought to the Commission's attention that despite the Commission's efforts, a large part of the condominium community is not aware of CMEF sponsored educational programs and the limited jurisdiction of the Commission in condominium governance matters. The use of a media/education type campaign to make the community more aware of what is available will be included in this program. \$40,000 has been budgeted for this program. Of the budgeted amount approved by the legislature after minusing personnel and other expenditures and overhead leaves the program of work and budget with \$112,511. Chair Imanaka initially wanted to allocate another amount to the Advice, Education and Referral program. However, other programs were zeroed out or reduced to accommodate the \$40,000 for the media/education program.

The mediation program budget, with an increase in mediations over the past fiscal year has been increased. Seminars and symposiums, Interactive participation with other organizations and out of state travel budgets have been decreased. The neighbor island outreach program budget has been increased to allow for travel to three instead of two islands (Hawaii, Maui and Kauai) per fiscal year. The reference library budget has also been increased to allow for the update of reference material.

Specialist Yee reported that Chair Imanaka had informed her that he would like to continue the interactive participation, if possible with one attendee.

Upon a motion by Commissioner Abrams, seconded by Commissioner Okawa, it was voted on and unanimously carried to recommend approval of the Program of Work and Budget, Fiscal Year 2004, subject to continuing interactive participation with one participant.

Specialist Grupen noted some typographical errors which will be corrected on page 2 of the Fiscal Year 2004 Budget included with the program of work.

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.

CMEF Budget &
Finance Report:

Upon a motion by Commissioner Kagawa, seconded by Commissioner Chinen, it was voted on and unanimously carried to recommend acceptance of the report for fund balances as of April 30, 2003.

Next Meeting:

July 9, 2003
Upon adjournment of the Education Review Committee meeting which follows the Laws and Rules Review Committee meeting scheduled to convene at 9:00 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 Pro Tem Ohama adjourned the meeting at 11:17 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

July 9, 2003

Date

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