

**CONDOMINIUM REVIEW COMMITTEE**  
Real Estate Commission  
Professional and Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii  
[www.hawaii.gov/hirec](http://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: November 12, 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: Mitchell Imanaka, Chair  
Peter Rice, Vice Chair  
Louis Abrams, Member  
Marshall Chinen, Member  
Kathleen Kagawa, Member  
Iris Okawa, Member  
Vern Yamanaka, Member

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

Excused: John Ohama, Member  
Trudy Nishihara, Member

Call to Order: Chair Imanaka called the meeting to order at 10:15 a.m., at which time quorum was established.

Chair's Report: No report was presented.

Condominium  
Specialist's  
Report:

**Minutes**

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

Condominium  
Governance and  
Management:

### **AOAO Registrations**

Specialist Grupen reported that as of October 31, 2003, 1,431 AOAOs have successfully registered.

Upon a motion by Commissioner Rice, seconded by Commissioner Yamanaka, it was voted on and unanimously carried to recommend approval to ratify issuance of effective registration dates for Association of Apartment Owners through October 31, 2003 for the 2003-2005 registration. The associations are as follows:

Central/Halawa Ind Bldg	10/24/03	Halawa Industrial Plaza	10/23/03
Hale Mailli	10/22/03	Kai Lani	10/06/03
Kalanikai	09/26/03	Keala Plantation Estates	10/08/03
Kihei Manor	10/21/03	Lukepane Hale	10/10/03
Peninsula at Hawaii Kai The	10/08/03	Pires Place	09/25/03
Punaluu Kai	10/24/03	Royal Manoa The	10/27/03
Wahiawa Medical Bldg	10/22/03	Waikiki Marina	09/29/03
Wavecrest Resort Inc	10/14/03	(fka The Westbury)	

### **Condominium Seminars and Symposium**

Commissioner Okawa monitored CAI Hawaii's seminar "Money Pit or Pot of Gold" which was subsidized by the Condominium Education Fund. Commissioner Okawa reported that the seminar was well attended and noted a need to address remedies versus just addressing the problem.

Specialist Yee reported that approximately 165 people attended the "Aging in Place: How to Cope" conference held on October 25, 2003 at the Hawaii State Capitol Auditorium. The conference was sponsored by the Hawaii Real Estate Commission through the Condominium Education Fund.

CAI Hawaii will be offering a seminar entitled "Icebergs Ahead! Steering Through the Ice Fields and Keeping Your Association Afloat" on November 20, 2003. This seminar is also subsidized through the Condominium Education Fund.

### **Case Law Review Program**

The following articles from the *Community Association Law Reporter* were distributed for informational purposes: "Covenant Does Not Prevent Homeowners From Parking Boat in Driveway," "Replacement of Windows and Doors Does Not Require Owner Approval," "Refusal to Accommodate Disabled Son Violated Fair Housing Act," and "Developer Has Fiduciary Duty to Transfer Roads and Common Areas in Good Repair."

The following articles from the October 2003 issue of *Community Association Management* were distributed for informational purposes: "How to Make Exceptions to Rules, Restrictive Covenants Without Forfeiting Future Rights," and "Avoid Three Pitfalls When Getting an Assessment Stream Loan."

### **Condominium Related Articles**

The following articles from the September/October 2003 issue of *Common Ground* were distributed for informational purposes: "Legal Briefs Nevada," "Get Down to Brass Tacks (not to mention Green Dollars) With a Comprehensive Maintenance and Repair Plan," and "Loud and Clear."

Condominium Project Registration - Public Reports Issued

Registration: Upon a motion by Commissioner Abrams, seconded by Commissioner Rice, it was voted on and carried to recommend approval to ratify issuance of effective dates for public reports for the month of October 2003 as follows:

Proj No	Project Name	Project Address	TMK #	Report	Date
4537	2040 ALEWA DRIVE	2040 ALEWA DR HONOLULU HI	(1)1-08-027:033 96817	Suppl 1	10/28/03
5206	215 NORTH KING ST	215 N KING ST HONOLULU HI	(1)1-05-008:001 96817	Prelim	10/14/03
5181	55-427 & 55-427A KAMEHAMEHA HWY	55-427 & 55-427A KAM HWY LAIE HI	(1)5-05-002:069 96762	Final	10/03/03
5197	55-5522 KUHIO	55-5522 KUHIO HWY HANAIE HI	(4)5-05-005:028 96714	Final	10/07/03
5097	59-450A & 59-450A-1 ALAPIO ROAD	59-450A & 59-450A-1 ALAPIO RD HALEIWA HI	(1)5-09-017:066 96712	Final	10/22/03
5212	913 21ST AVENUE	913 21ST AVE HONOLULU HI	(1)3-02-049:057 96816	Final	10/30/03
5143	ALAKEA CORPORATE TOWER	1100 ALAKEA STREET HONOLULU HI	(1)2-01-010:005 96813	Final	10/10/03
5200	DESTINY AT KAPANOE - PHASE II	MAHELU ST, MAHELU PL & HALEKA PL MILILANI HI	(1)9-05-049:031 96789	Prelim	10/14/03
5196	EBINGER'S ESTATE CONDOMINIUM	5911-F & G KAAPUNI ROAD KAPAA HI	(4)4-06-011:006 96746	Final	10/22/03
5201	GARBISO CONDOMINIUM	409 KAMALU ROAD KAPAA HI	(4)4-02-021:003 96746	Final	10/14/03
5199	HALI'A HALE AT KAUNA'OA	LOT 12 AT OULI WAIMEA HI	(3)6-02-002:018	Prelim	10/31/03
5038	HARDER OHANA	1731 MAUNA IKENA RD KAPAA HI	(4)4-06-033:026 96746	Final	10/28/03
5017	HU'ELANI PHASE 11	LAUNAHELE ST EWA BEACH HI	(1)9-01-116:001 96706	Final	10/08/03
5203	ISLAND CLASSICS AT KAPANOE - PH I	MAHELU ST, ANOPILO ST & HALEPAH MILILANI HI	(1)9-05-049:031 96789	Prelim	10/13/03
5136	KEPUNI UKA CONDOMINIUM PROJ	LOT 4 KAAUHUUH HASTD N KOHALA HI	(3)5-05-002:055	Final	10/13/03
5175	KIKAUA POINT COTTAGE	LOT A-1 KUKIO PHASE 1-A SUBDIV N KONA HI	(3)7-02-019:022	Prelim	10/28/03
5207	KILAUEA WATERFALL FARMS	4141 KILAUEA RD KILAUEA HI	(4)5-02-012:015 96756	Final	10/29/03
4922	KONA SEA VILLAS	75-6060 KUAKINI HWY KAILUA-KONA HI	(3)7-05-019:001 96740	Final	10/14/03
5036	LANIKEA AT WAIKIKI	KALIMOKU & OLOHANA ST HONOLULU HI	(1)2-06-016:002 96815	Cont Final	10/14/03
5153	LAS BRISAS PHASE 10	91-458 TO 91-486 MAKALE'A ST EWA BEACH HI	(1)9-01-010:082 96706	Final	10/17/03
5217	LOFT @ WAIKIKI	427 LAUNIU ST HONOLULU HI	(1)2-06-017:068 96815	Prelim	10/31/03
5198	MALEKA KAI	73-1247 LIHAU ST KAILUA-KONA HI	(3)7-03-018:010 96740	Final	10/31/03
5078	NYK CONDOMINIUM PROJECT	LOT 51-B KAHUA & WAIKA N KOHALA HI	(3)5-09-005:066	Final	10/03/03
4554	POWER FARM THE	LOT 4A, HOLUALOA 1 AND 2 KONA HI	(3)7-06-007:019	Final	10/08/03
5210	QUEEN'S VILLA	1459 PELE ST HONOLULU HI	(1)2-01-022:038 96813	Prelim	10/21/03
4883	RAINBOW PLAZA CONDOMINIUM	2-2514 KAUMUALII HWY KALAHEO HI	(4)2-03-012:012 96741	Suppl 1	10/30/03
5171	SIERRA CONDOMINIUM RESIDENCE	4433 SIERRA DR HONOLULU HI	(1)3-03-023:028 96816	Final	10/01/03
5139	TERRACE AT KONA VISTAS THE	PULANI ST KAILUA-KONA HI	(3)7-06-027:042 96740	Cont Final	10/27/03
5192	TERRACES MANELE BAY PHASE V	POLIHUA WAY LANAI HI	(2)4-09-022:014 96763	Prelim	10/09/03
5092	TIBURON PHASE 7	91-624 TO 91-640 MAKALE'A ST EWA BEACH HI	(1)9-01-010:082 96706	Final	10/06/03
5134	TIBURON PHASE 9	91-706 TO 91-730 MAKALE'A ST EWA BEACH HI	(1)9-01-010:082 96706	Final	10/30/03
5193	VILLA MALUHIA CONDOMINIUM	5287 & 5289 LIKINI STREET HONOLULU HI	(1)1-01-058:029 96818	Final	10/14/03
4521	WAIHAI BEACH CLUB	2249 POIPU RD KOLOA HI	(4)2-08-017:012 96756	Suppl 1	10/03/03

Preliminary Reports:	8
Contingent Final Reports:	2
Final Reports:	20
Supplementary Reports:	3

Total: 33

Chair Imanaka recused himself from voting on CPR #4521, Waiohai Beach Club.

### **Consultants**

Chair Imanaka reported that a condominium consultant forum was held on October 22, 2003. A written report was distributed for informational purposes. Upon a motion by Commissioner Abrams, seconded by Commission Okawa, it was voted on and unanimously carried to recommend approval to accept the condominium consultant's recommendation as specified in the report of October 22, 2003 to send as an informational letter to the developers and their attorneys of the following:

1. A reminder that the counties require the submission of fees for any requested county inspections/letter of compliance;
2. Summarize all exhibits to the public report especially when the exhibits are voluminous;
3. Maintain communication between developers and or attorneys with the county regarding the registration and development of the condominium project;
4. Generally, developer's public report will not be assigned to a consultant until all staff deficiencies have been cleared.

Program of Work:

### **Recodification of Chapter 514A**

Chair Imanaka reported that the BRRAC committee will be meeting again on Monday to go over the latest draft of the report. A final work product will be ready for Commission action at the December 1, 2003 REC meeting. Chair Imanaka further reported that a letter was received from the county planning directors of the various counties regarding the use of agricultural lands for development, bottom line is that the counties do not want changes to the law.

SEO Kimura informed the committee that the Real Estate Branch received a copy of a video tape of the Kona public hearings from Mr. Larry Ford, should any commissioner be interested in viewing it.

### **Government and Legislative Participation Report**

SEO Kimura reported that a bill for condo court will be introduced this upcoming legislative session by Senator Espero. The proposed legislation will more than likely request monies from the Condominium Education Fund.

### **Legislative Acts and Resolutions**

Specialist Yee reported that the Real Estate Commission continues to work with the Department of Health on Act 185.

### Neighbor Island Outreach

The next neighbor island outreach is scheduled for Tuesday, January 6, 2004, on the island of Maui. The meetings will be held in the REALTORS Association of Maui's Conference Rooms, located at 441 Ala Makani Place, Kahului, Maui.

The committee meetings will be held as follows: Laws and rules Review Committee – 9:30 a.m.; Education Review Committee – upon adjournment of the Laws and Rules Review Committee meeting; Condominium Review Committee – upon adjournment of the Education Review Committee meeting.

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: Mr. Jim Turner, CMA and member of the National and State Association of Parliamentarians, provided a copy of compiled articles about "e-meetings" from the parliamentarian prospective and noting that the people who cannot use emails waive their minority rights of participation.

CMEF Budget & Finance Report: No report presented.

Next Meeting: Thursday, December 11, 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.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813

Adjournment: With no further business to discuss, Chair Imanaka adjourned the meeting at 10:38 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

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Cynthia M. L. Yee  
Senior Condominium Specialist

December 11, 2003

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Date

Minutes approved as is.

Minutes approved with changes; see minutes of \_\_\_\_\_