

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: April 14, 2004

Time: 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.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Present: Mitchell Imanaka, Chair
Peter Rice, Vice Chair
Louis Abrams, Member
Marshall Chinen, Member
Kathleen Kagawa, Member
John Ohama, Member
Iris Okawa, Member
Trudy Nishihara, Member

Calvin Kimura, Supervising 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
Irene Kotaka, Recording Secretary

Excused: Vern Yamanaka, Member

Call to Order: Chair Imanaka called the meeting to order at 10:20 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 Ohama, it was voted on and unanimously carried to accept the minutes of the March 10, 2004 Condominium Review Committee meeting.

Condominium
Governance and
Management:

AOAO Registrations

Specialist Grupen reported that as of March 31, 2004, 1,457 AOAOs have successfully registered.

Upon a motion by Commissioner Abrams, seconded by Commissioner Nishihara, it was voted on and unanimously carried to recommend approval to ratify issuance of effective registration dates for Association of Apartment Owners through March 31, 2004 for the 2003-2005 registration. The associations are as follows:

1516 Nehoa	3/11/04	Diamond Head Beach Hotel	3/1/04
Doo/Higa Homes	3/8/04	Hui O Pupu A'o'Ewa	3/22/04
Island Colony	3/1/04	Kapaia Hillside	3/1/04
Ke Noho Kai Townhomes Incr.1	3/19/04		

Condominium Seminars and Symposium – Evaluation “Protecting Your Assets While Restoring Community to Community Associations” – HSBA March 5, 2004

Staff evaluation forms and handouts were distributed for the Commissioners information.

Senior Specialist Yee reported that the trend is towards empowering associations to have a sense of community. This seminar explored this subject via a position paper. However, most of the time allocated centered around the review of case law relating to the enforcement of CC & R's. The seminar fell short in one aspect – it did not review the case law of Hawaii in this area.

Case Law Review Program

The following articles were distributed for informational purposes: “Mold Litigation in Hawaii” *Hawaii Bar Journal* (March 2004); “Kona man ordered to remove his horse” *Starbulletin.com* March 17, 2004; “Association Must Pay Member \$549,326 for Effects of Toxic Mold” (January 2004), “Don't Assume Lack of Fining Authority When Governing Documents Are Silent” (January 2004), “Court Denies Community Association's Power to Fine” (March 2004), “Association Needn't Amend Bylaw to Change Board Candidate Nomination Procedure” (March 2004) *Community Association Management Insider*.

REB staff will request permission from the *Community Association Insider* to reprint their articles in the Condominium Bulletin or on the Commission's webpage.

Condominium Related Articles

The following articles were distributed for informational purposes: “Bank Examination Reports” *Hawaii Bar Journal* (March 2004); “How to Handle Disabled Member's Request to Keep ‘Emotional Support Animal’” (February 2004), “How to Handle Members Whose Inability to Care for Themselves Endangers Community” (January 2004), “How to Avoid Violating Fair Debt Collection Practices Act When

Trying to Collect Member Debts" (January 2004) *Community Association Management Insider.*

Condominium
Project
Registration:

Condominium Project Registration - Public Reports Issued

Upon a motion by Commissioner Rice, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend approval to ratify issuance of effective dates for public reports for the month of March 2004 as follows:

Proj No.	Project Name	Project Address	TMK #	Rpt	Date
5299	1506 & 1509 FREAR	1506 & 1509 FREAR ST HONOLULU HI	96813 (1)2-01-037:025	Final	03/04/04
5313	3817 & 3819 KAIMUKI AVENUE	3817 & 3819 KAIMUKI AVE HONOLULU HI	96816 (1)3-02-051:036	Final	03/23/04
5315	45-550 PAHIA	45-550 PAHIA RD KANEHOE HI	96744 (1)4-05-021:024	Final	03/29/04
5306	45-570 & 45-572 AWANENE WAY	45-570 AWANENE WAY KANEHOE HI	96744 (1)4-05-076:024	Final	03/19/04
5303	55-007C & 55-007D KAMEHAMEHA HWY	55-007C KAMEHAMEHA HWY LAIE HI	96762 (1)5-05-004:080	Final	03/12/04
5267	626 9TH AVENUE	626 9TH AVE HONOLULU HI	96816 (1)3-02-027:057	Final	03/04/04
5069	BEACH VILLAS AT KAHALU'U THE	78-6721 ALII DR KAILUA KONA HI	96740 (3)7-08-014:086	Final	03/08/04
5161	COCONUT PLNTN@KO OLINA RESRT &MARINA 6	92-1070 OLANI STREET KAPOLEI HI	96707 (1)9-01-056:004	Final	03/18/04
5297	HANAI A KA MALAMA LOT K CONDO PR	PAPAAKOKO KONA HI	96740 (3)7-04-007:074	Final	03/12/04
5317	HAVENS OF I'I VISTAS II - PHASE VI	KO'OLANI DRIVE MILILANI HI	96789 (1)9-05-049:072	Prelim	03/17/04
5289	HU'ELANI PHASE 16	91-758 TO 91-788 LAUNAHELE ST EWA BEACH HI	96706 (1)9-01-116:005	Final	03/22/04
5314	HU'ELANI PHASE 18	91-770 TO 91-782 LAUNAHELE ST EWA BEACH HI	96706 (1)9-01-116:005	Prelim	03/12/04
5266	HUALALAI VISTAS	76-800 HUALALAI RD KAILUA KONA HI	96740 (3)7-06-011:007	Final	03/08/04
5288	ILIAHI AT KEHALANI	KUIKAHI DR WAILUKU HI	96793 (2)3-05-001:067	Prelim	03/17/04
5283	KAAPUNI KAI	KAAPUNI RD KAPAA HI	96746 (4)4-03-003:023	Final	03/29/04
5254	LAS BRISAS PHASE 13	91-532 TO 91-552 MAKALE'A ST EWA BEACH HI	96706 (1)9-01-010:110	Final	03/05/04
5322	LAS BRISAS PHASE 15	91-578 TO 91-598 MAKALE'A ST EWA BEACH HI	96706 (1)9-01-010:112	Prelim	03/22/04
5252	LUANA WAIKIKI	2045 KALAKAUA AVE HONOLULU HI	96815 (1)2-06-006:023	Final	03/29/04
4028	MAKAI CONDOMINIUM	4271 & 4271A AIKEPA ST LIHUE HI	96766 (4)3-07-009:031	Suppl 1	03/01/04
5324	MAKAWEO AVENUE ESTATES	64 MAKAWEO AVE WAHIAWA HI	96786 (1)7-04-016:023	Final	03/29/04
4972	NA HALE AT PAUOA BEACH	PAUOA WAY KOHALA HI	96755 (3)6-08-034:024	Final	03/04/04
5271	NUUANU PLACE	24 HIALOA ST HONOLULU HI	96817 (1)2-02-001:074	Suppl 1	03/08/04
5316	OCEAN VILLAS AT TURTLE BAY RESORT	TURLTLE BAY RESORT KAHUKU HI	96731 (1)5-07-001:013	Prelim	03/29/04
5247	OLA-NANI ESTATES CONDOMINIUM	2683 ONU PL KALAHEO HI	96741 (4)2-04-014:029	Final	03/04/04
5276	OLD QUINN PLACE CONDOMINIUM PROJECT	LOT 8A KAPAAU WATERWORKS RD KAPAAU HI	96741 (3)5-04-005:079	Final	03/19/04
5261	SOKACH ESTATES II	78-6656 MAMALAHOA HWY KAILUA KONA HI	96740 (3)7-08-015:007	Final	03/22/04
5307	TWO PALEKA ROAD	45-580 PALEKA RD KANEHOE HI	96744 (1)4-05-068:053	Final	03/16/04
5300	ZEFFIRO ESTATES	3152 UNAHE ST LIHUE HI	96766 (4)3-06-019:050	Final	03/23/04

Preliminary Reports:	5
Contingent Final Reports:	0
Final Reports:	21
Supplementary Reports:	2

Total: 28

Project Statistics

The Chair noted that the Commission has made progress in decreasing the amount of time that it takes to review and approve public reports. He thanked the staff and the consultants for their hard work.

Sales to Owner-Occupants and First Publication of the Announcement or Advertisement

A copy of Memorandum 2004-1, dated March 23, 2004, regarding sales to owner-occupants and first publication of the announcement or advertisement was distributed to the Commissioners for their information.

Upon a motion by Commissioner Rice, seconded by Commissioner Ohama, it was voted on and unanimously carried to recommend approval to adopt the SEO's memorandum, initially dated March 23, 2004, as the Commission's informal non-binding interpretation on the subject matter.

Program of Work:

Recodification of Chapter 514A

The Chair commended staff and Recodification Attorney Arakaki for the work being done at the Legislature at this critical time.

Recodification Attorney Arakaki reported that he had spent over five hours with Representative Hiraki discussing Senate Bill 2210, HD1.

Recodification Attorney Arakaki has also been attending various town meetings at the request of Representative Hiraki. He thanked Commissioner Okawa for attending one of the town meetings. Meetings were held at Kukui Plaza and at Honolulu Park Place.

He also reported that the bill will be heading to a conference committee. He also reported that he had emailed a list of the substantive issues to interested parties.

Recodification Attorney Arakaki reported that he had not heard anything about the condo court bill. If the condo court bill is incorporated into the recodification bill, he will work with Representative Hiraki and the Office of Administrative Hearings on this. He also reported that questions have arisen about Part VI, Sales to Owner-Occupants since an article appeared in Sunday's paper regarding it. The recodification bill would delete this requirement. If that section is placed back in, he would recommend that the Commission take a second look at their position.

The Chair asked that Recodification Attorney Arakaki advise the Commission of the conferees as soon as possible.

The SEO thanked Commissioner Okawa for attending the town meetings. He had heard positive comments about a Commissioner being present at the meeting. It also provides support to the staff present at the meetings.

The SEO also reported that there was a last-minute hearing on the recodification bill last week. A floor vote needed to be obtained prior to the hearing to allow the matter to be heard. The SEO noted the efforts of the Recodification Attorney in being instrumental in bringing the floor vote about.

Program of Work, FY05

The Condominium Review Committee's Educational Advisory Group was convened to discuss the proposed educational agenda. The Commissioners were invited to participate in this group.

The recommendations from the Condominium Review Committee's Education Advisory Group, from its March 8, 2004 meeting, were recommended to be considered for inclusion into the Condominium Review Committee's program of work for FY2005.

Senior Specialist Yee reported that the purchasing of all media services must be processed through the Office of the Governor. As a result of this, staff has begun processing the necessary paperwork to request the purchase of media services.

Government and Legislative Participation Report

The report was presented during the Laws and Rules Review Committee meeting.

Neighbor Island Outreach

The next neighbor island outreach is scheduled for May 11, 2004, on the island of Hawaii. The meetings will be held in Conference Rooms A, B and C, in the State Office Building, located at 75 Aupuni Street, Hilo, Hawaii. The meetings are scheduled as follows:

Laws and Rules Review Committee – 9 a.m.

Education Review Committee – Upon adjournment of the Laws and Rules Review Committee meeting, which convenes at 9 a.m.

Condominium Review Committee – Upon adjournment of the Education Review Committee, which convenes after the adjournment of the Laws and Rules Review Committee, which convenes at 9 a.m.

Executive Session: Upon a motion by Commissioner Rice, seconded by Commissioner Ohama, it was voted on and unanimously carried to enter 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;".

Commissioner Ohama was excused from the meeting.

Commissioner Ohama returned to the meeting.

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

CPR Registration
and Developer's
Public Reports:

Consultants

Upon a motion by Commissioner Ohama, seconded by Commissioner Abrams, it was voted and on unanimously carried to recommend deferral of the matter and to recommit this for further study, research, and investigation.

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.

CMEF Budget &
Finance Report:

No report presented.

Next Meeting:

Tuesday, May 11, 2004
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.
Main State Building, Rooms A, B & C
75 Aupuni Street
Hilo, HI 96720

Adjournment:

With no further business to discuss, Chair Imanaka adjourned the meeting at 11:16 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

May 11, 2004

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____