

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: July 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, Broker/Honolulu Commissioner
Kathleen Kagawa, Vice Chair, Broker/Honolulu Commissioner
Louis Abrams, Broker/Kauai Commissioner
John Ohama, Broker/Honolulu Commissioner
Trudy Nishihara, Broker/Honolulu Commissioner
Carol Mae Ball, Broker/Maui Commissioner
Michele Sunahara Loudermilk, Public/Honolulu Commissioner

Calvin Kimura, Supervising Executive Officer
Neil Fujitani, Executive Officer
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
David Grupen, Condominium Specialist
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

Absent: Vern Yamanaka, Broker/Hilo Commissioner
Iris Okawa, Public/Honolulu Commissioner

Call to Order: Chair Imanaka called the meeting to order at 11:40 a.m., at which time quorum was established.

Chair's Report: Chair Imanaka welcomed new commission members Michele Sunahara Loudermilk of Cades Schutte and Carol Mae Ball of Carol Ball and Associates.

Condominium Specialist's Report: Minutes

Senior Condominium Specialist Yee reported that the June 7, 2004 committee meeting was cancelled due to a lack of quorum, therefore the minutes for review and action is that of the May 11, 2004 Condominium Review Committee meeting.

Upon a motion by Commissioner Abrams, seconded by Commissioner Nishihara, it was voted on and unanimously carried to accept the minutes of the May 11, 2004 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOAO Registrations

Upon a motion by Commissioner Ohama, 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 May and June, 2004 for the 2003-2005 registration. The associations are as follows:

778 Wiliwili	5/13/04	Ala Wai Terrace	2/10/04
Lihikai Condominium	5/26/04	Moloaa Valley Farms	5/06/04
Waikoloa Colony Villas	5/18/04	85 Walaka Street	6/03/04
Nanea Kai	6/09/04	Terraces Manele Bay Ph. IV	5/27/04

Condominium Seminars and Symposium

Distributed for informational purposes were the following: 1) REB staff evaluation of CAI Hawaii Chapter's "Aging in Place Aging with Grace" seminar and 2) *Condominium Council of Maui*, March 2004 article "Everything You Wanted To Know About Being A Board Member But Were Afraid To Ask."

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 from the *Community Association Management Insider* were distributed for informational purposes: "Inspect Balcony Railings Regularly to Avoid Accidents and Liability" (June 2004), "Association May Be Liable for Racial Discrimination" (April 2004), and "Association Must Allow Disabled Member to Build Ramp for Storage of Motorized Tricycle" (May 2004).

Condominium Related Articles

The following articles were distributed for informational purposes: "Call of Duty" *Common Ground* (May/June 2004); "Run Meetings More Efficiently by Setting Members' Code of Conduct" *Community Association Management Insider* (June 2004); "Pat's at Punalu'u What a Wake-up Call!", "Corrosion Mitigation – Addressing the Real Problem", "Directors' & Officers' Liability Insurance for Condominium Associations" *Building Management Hawaii* (April-May 2004).

Hearings Program

Information from the Office of Administrative Hearings was distributed regarding the condominium dispute resolution pilot program.

Condominium Project Registration - Public Reports Issued

Registration: Chair Imanaka recused himself from discussion and voting on projects numbered 5284, 4849 and 5250. Upon a motion by Commissioner Abrams, seconded by Commissioner Nishihara, it was voted on and carried to recommend approval to ratify issuance of effective dates for developer's public reports for the months of May and June 2004 as follows:

Proj No	Project Name	Project Address	TMK #	Report	Date
5328	1544 HAKU STREET	1544 HAKU ST HONOLULU HI 96819	(1)1-01-030:018	Final	05/05/04
2358	4133/4137/4149/4155 SIERRA DRIVE	4133/37/49/55 SIERRA DR HONOLULU HI 96816	(1)3-03-018:024	Suppl 2	05/17/04
5264	45-541 & 45-539 LOIHI PLACE	45-541 & 45-539 LOIHI PLACE KANEHOE HI 96744	(1)4-05-096:076	Final	05/24/04
5333	6401 PUUPILO ROAD	6401 PUUPILO RD KAPAA HI 96746	(4)4-02-022:067	Final	05/07/04
5376	759 & 759-A 9TH AVENUE	759 9TH AVE HONOLULU HI 96816	(1)3-02-024:011	Final	05/26/04
5343	900 ALEWA DRIVE LOT B	900 B ALEWA DR HONOLULU HI 96817	(1)5-05-002:069	Final	05/06/04
5346	91-862 MAKULE ROAD	91-862 MAKULE ROAD EWA BEACH HI 96706	(1)9-01-034:032	Final	05/06/04
5319	AO KEA RANCH CONDOMINIUM	44-4768 MAMALAHOA HWY HAMAKUA HI 96743	(3)4-04-013:028	Final	05/20/04
5354	BARTLETT CONDOMINIUM	LOT 20-A-1 WELIWELI KOLOA HI	(4)2-08-022:020	Final	05/17/04
5364	BODINUS CONDOMINIUM	110 E HUAPALA PL LAHAINA HI 96761	(2)4-07-010:006	Final	05/28/04
5375	DESTINY III AT MILILANI MAUKA - PH	MOEA ST MILILANI HI 96789	(1)9-05-049:027	Prelim	05/25/04
5116	HAHAI LOT 22	75-5510 HAHAI ST HOLUALOA HI 96725	(3)7-05-013:066	Final	05/13/04
5302	KALAWAI RESERVOIR II	4706A LAE RD KALAHEO HI 96741	(4)2-04-005:044	Final	05/07/04
5369	KAPONO FARM CONDOMINIUM	70 PAIA POHAKU ST LAHAINA HI 96761	(2)4-07-009:017	Final	05/28/04
5284	KO OLINA KAI GOLF ESTATES & VILLAS	92-1065 KOIO DRIVE kapolei hi 96707	(1)9-01-056:005	Cont.	05/13/04
5358	KUU HOME O KALIHIIWAI	LOT 12-A KALIHIIWAI HI	(4)5-02-010:015	Final	05/18/04
5374	LAS BRISAS PHASE 5	91-342 TO 91-362 MAKAE'A ST EWA BEACH	(1)9-01-010:094	Prelim	05/17/04
5355	LEI MALA ESTATES	LOT 7 KALAHEO HMSTDS KALAHEO HI	(4)2-03-009:099	Final	05/18/04
5310	MARTA'S CONDOMINIUM PROJECT	73-4706 KOHANAIIKI ROAD KAILUA-KONA HI 96740	(3)6-03-008:012	Final	05/26/04
5347	MEI HALE	3000 WAIOMAO ROAD HONOLULU HI 96816	(1)3-04-018:004	Final	05/27/04
5294	NA HALE O KEAUHOU	ALII DR KAILUA KONA HI 96740	(3)7-08-010:093	Cont. Final	05/21/04
5242	NALU HALE	5335 KAPA'KA STREET B PRINCEVILLE HI 96722	(4)5-03-008:067	Final	05/10/04
5342	PALUA ESTATES	4014 PALUA AVE HONOLULU HI 96816	(1)3-03-025:080	Final	05/17/04
5279	PALULU CONDOMINIUM	55 PALULU WAY HAIKU HI 96708	(2)2-07-013:203	Final	05/06/04
4849	PENINSULA AT HAWAII KAI PROJ III	520 LUNALILO HOME ROAD HONOLULU HI 96825	(1)3-09-008:016	Suppl 1	05/10/04
5250	PENINSULA AT HAWAII KAI-PROJ III	520 LUNALILO HOME ROAD HONOLULU HI 96825	(1)3-09-008:016	Suppl 1	05/10/04
4584	ROYAL GARDEN AT WAIKIKI	440 OLOHANA ST HONOLULU HI 96815	(1)2-06-016:039	Suppl 1	05/07/04
5023	WAIAWA VILLAGE	96-239 WAIAWA RD PEARL CITY HI 96782	(1)9-06-003:008	Suppl 1	05/07/04
5362	1717 PALOLO AVENUE	1717 PALOLO AVE HONOLULU HI 96816	(1)3-03-041:009	Final	06/23/04
5344	2149 10TH AVENUE	2149 10TH AVENUE HONOLULU HI 96816	(1)3-03-037:020	Final	06/15/04
5348	3570 LALA ROAD CONDOMINIUM	3570 LALA ROAD	(4)3-02-007:015	Final	06/03/04

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5397	423 & 425 HUALANI STREET	LIHUE HI 96766 423 & 425 HUALANI STREET	(1)4-03-047:051	Final	06/24/04
5367	4650 KUAWA CONDOMINIUM	KAILUA HI 96734 4650 KUAWA ROAD	(4)5-02-013:008	Final	06/18/04
5195	47-611 AND 47-611-A MAPELE ROAD	KILAUEA HI 96754 47-661 & 47-661-A MAPELE RD	(1)4-07-005:089	Final	06/24/04
5371	59-029 HOLAWA STREET	KANEOHE HI 96744 59-029 HOLAWA ST	(1)5-09-001:110	Final	06/08/04
5385	624A & 624B 10TH AVENUE	HALEIWA HI 96712 624A 10TH AVE	(1)3-02-027:032	Final	06/23/04
5394	BAKER-JORDON ESTATES	HONOLULU HI 96816 LOT 22-2-A-2	(4)4-02-013:030	Final	06/28/04
5312	BEACHSIDE CONDOMINIUM	KAPAA HI LOT 129 KEKAHA HOUSE LOTS	(4)1-03-004:022	Final	06/23/04
5133	DESTINY AT KAPANOE - PHASE I	KEKAHA HI MAHELU, ALIANA ST & HALEPULE PL	(1)5-09-049:003	Final	06/16/04
5200	DESTINY AT KAPANOE - PHASE II	MILILANI HI 96789 MAHELU ST, MAHELU PL & HALEKA	(1)9-05-049:031	Final	06/16/04
2091	DOO/HIGA HOMES	MILILANI HI 96789 3003 WAIOMAO HOMESTEAD RD	(1)3-04-018:001	Suppl 2	06/15/04
5140	FOUR SPEARS	HONOLULU HI 96816 5681 KAAPUNI ROAD	(4)4-06-011:009	Final	06/25/04
5380	HAVENS OF I'I VISTAS II - PHASE VII	KAPAA HI 96746 KO'OLANI DRIVE	(1)9-05-049:072	Prelim	06/16/04
5190	HAVENS OF I'I VISTAS II PHASE III	MILILANI HI 96789 KO'OLANI DRIVE	(1)9-05-049:056	Final	06/28/04
5350	HEHEMANN CONDOMINIUM	MILILANI HI 96789 4260 HINE WAY	(2)4-03-010:028	Final	06/10/04
4968	HOKUA AT 1288 ALA MOANA	LAHAINA HI 96761 1288 ALA MOANA BLVD	(1)2-03-005:001	Final	06/28/04
5296	HU'ELANI PHASE 17	HONOLULU HI 96814 91-764 TO 91-786 LAUNAHELE ST	(1)9-01-116:005	Final	06/23/04
5384	HU'ELANI PHASE 7A	EWA BEACH HI 96706 91-207 TO 91-216 LUKINI PLACE	(1)9-01-116:011	Final	06/03/04
5372	KALIHU STREAMSIDE	EWA BEACH HI 96706 2130 N KING ST	(1)1-03-003:052	Prelim	06/23/04
5368	KEEAUMOKU STREET CONDO	HONOLULU HI 96819 1422 KEEAUMOKU ST	(1)2-04-021:025	Final	06/08/04
5208	KO'OLANI	HONOLULU HI 96822 1189 WAIMANU ST	(1)2-03-006:014	Final	06/30/04
5238	KOLEA CONDO. VILLAS BLDG NO 10	HONOLULU HI 96814 69-289 WAIKOLOA BEACH DR	(3)6-09-011:019	Final	06/18/04
5239	KOLEA CONDO. VILLAS BLDG NO 11	WAIKOLOA HI 96738 69-289 WAIKOLOA BEACH DR	(3)6-09-011:019	Final	06/18/04
5236	KOLEA CONDO. VILLAS BLDG NO 8	WAIKOLOA HI 96738 69-289 WAIKOLOA BEACH DR	(3)6-09-011:019	Final	06/18/04
5237	KOLEA CONDO. VILLAS BLDG NO 9	WAIKOLOA HI 96738 69-289 WAIKOLOA BEACH DR	(3)6-09-011:019	Final	06/18/04
5377	KOLOA MAKAI CONDOMINIUM	WAIKOLOA HI 96738 3255-A OMINE ROAD	(4)2-08-012:024	Final	06/30/04
5388	KOOLAU VIEWS	KOLOA HI 96756 45-660 MAHIMUI RD	(1)4-05-037:049	Final	06/17/04
5360	KOUKALAKA ESTATES	KANEOHE HI 96744 5773 KUAMOO RD	(4)4-02-009:056	Final	06/04/04
5036	LANIKEA AT WAIKIKI	KAPAA HI 96746 KALIMOKU & OLOHANA ST	(1)2-06-016:002	Final	06/16/04
5293	LAS BRISAS PHASE 14	HONOLULU HI 96815 MAKALE'A ST	(1)9-01-010:111	Final	06/07/04
5374	LAS BRISAS PHASE 5	EWA BEACH HI 96706 91-342 TO 91-362 MAKAE'A ST	(1)9-01-010:094	Final	06/28/04
5217	LOFT @ WAIKIKI	EWA BEACH HI 96706 427 LAUNIU ST	(1)2-06-017:068	Cont.	06/08/04
5349	M&H LAHAINA CONDOMINIUM	HONOLULU HI 96815 240 PUNAKEA LOOP	(2)4-07-001:002	Final	06/02/04
5198	MALEKA KAI	LAHAINA HI 96761 73-1247 LIHAU ST	(3)7-03-018:010	Suppl 1	06/07/04
2028	MAUKA LANI	KAILUA-KONA HI 96740 KALIHUWAI RIDGE KALIHUWA	(4)5-02-017:024	Suppl 2	06/17/04
5366	MAUNAWILI ACRES	KILAUEA HI 96754 1011A MAUNAWILI RD	(1)4-02-012:011	Final	06/23/04
5392	MECHLER TRUST - KAHINANI PLACE	KAILUA HI 96734 44-476 KAHINANI PLACE	(1)4-04-036:078	Final	06/24/04
		KANEOHE HI 96744			

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5363	MEE CONDOMINIUM	5596 HONUA RD KAPAA HI 96746	(4)4-06-010:038	Final	06/09/04
4927	MOLOAA VALLEY FARMS	LOT D-2 PORTN OF LOT D-2 MOLOA KAWAIHAU HI	(4)4-09-011:038	Suppl 1	06/18/04
5387	MOMI MAHI'AI I	LOT 17, MOLOAA KAWAIHAU HI	(4)4-09-009:012	Final	06/30/04
5351	POGNI CONDOMINIUM	672 KAI HELE KU STREET LAHAINA HI 96761	(2)4-07-010:007	Final	06/02/04
5365	THE COLONY SURF	2895 KALAKAUA AVE HONOLULU HI 96815	(1)3-01-032:008	Prelim	06/30/04
5382	THE GOLF VILLAS AT MAUNA LANI RESORT	NA ALA HELE RD MAUNA LANI HI	(3)6-08-022:052	Prelim	06/03/04
5383	THE PALM VILLAS AT MAUNA LANI RESORT	PAUO A RD MAUNA LANI HI	(3)6-08-022:018	Prelim	06/03/04
5301	TIBURON PHASE 1	91-1051 TO 91-1069 KAMAILIO ST EWA BEACH HI 96706	(1)9-01-010:089	Final	06/07/04
3228	WAHI O NANI	KAMALANI ST N KONA HI	(3)7-05-013:011	Suppl 1	06/08/04
5361	WATSON CONDOMINIUM	5783 & 5791 KUAMOO ROAD WAILUA HI 96766	(4)4-02-009:033	Final	06/16/04

Preliminary Reports: 7
 Contingent Final Reports: 3
 Final Reports: 57
 Supplementary Reports: 10

Total: 77

Project Statistics

Chair Imanaka noted that the average review time for the issuance of an effective date of a developer's public report is 28 days. Chair Imanaka complimented the consultants and staff on its efforts.

"Judge voids sale of units at Coral Reef" *HonoluluAdvertiser.com* (May 21, 2004)

The article entitled "Judge voids sale of units at Coral Reef" from the HonoluluAdvertiser.com dated May 21, 2004 was distributed for informational purposes.

County of Kauai Department of Finance, Real Property Assessment

Acknowledged receipt of email from John Herring of the County of Kauai Dept. of Finance, Real Property Assessment division and the Real Estate Branch staff's response regarding CPR law changes.

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

Act 164 was approved by the Governor on July 2, 2004. The recodification project is ongoing. Chair Imanaka informed the committee that Gordon Arakaki is no longer an employee of the state and has gone into private practice. His last day with the Commission was June 30, 2004. Due to Mr. Arakaki's background and legwork with the recodification project, Chair Imanaka suggested retaining Mr. Arakaki to complete the recodification project.

Deputy Attorney General Wong reported that there are different options the Commission may have in retaining an individual to complete the recodification project, i.e. sole source contract through DAGS due to unique circumstances,

small purchase contract if under \$25,000 or a request for proposals to enter into a professional services contract.

Commissioner Ohama suggested going through a sole source contract and using a small purchase contract as a contingency.

SEO Kimura reported that an individual may not start on the project prior to a contract being executed. A sole source contract would require the approval of the Division Administrator, Director and the Department of Accounting and General Services which would take approximately two months.

Upon a motion by Commissioner Ohama, seconded by Commissioner Kagawa, it was voted on and unanimously carried to recommend approval to retain the services of the former recodification attorney to timely complete the mandates of Act 164 (SLH 2004) through a small purchase contract, alternatively through a sole source contract.

Advice, Education, and Referral

The Commission's "Hawaii Condominium Corner" advertisements were distributed for informational purposes.

Legislative Acts and Resolutions

SEO's written legislative report number 6 was distributed for informational purposes, along with a copy of Act 72 (SLH 2004).

Interactive Participation with Organizations – CAI's Community Leadership Forum, New Orleans, Louisiana, October 28-30, 2004

Upon a motion by Commissioner Kagawa, seconded by Commissioner Ohama, it was voted on and unanimously carried to recommend approval to send two participants to CAI's Community Leadership Forum, subject to the availability of funds and departmental approval. Participants to be determined by the Chair of REC and the SEO.

Distributed for informational purposes was an announcement from the National Land Council, Inc. announcing its National Land Council Seminar to be held September 8-11, 2004 in Charleston, South Carolina.

Neighbor Island Outreach

The next neighbor island outreach is to be held on September 8, 2004 in Lihue, Kauai.

Condominium Specialist Office of the Day

The committee acknowledged the written reports on the specialist office of the day held in Maui, Kauai and Hilo during the month of May, 2004.

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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: **Report for Period Ending March 31, 2004**

Upon a motion by Commissioner Ohama, seconded by Commissioner Kagawa, it was voted on and unanimously carried to accept the pro forma report dated May 26, 2004 for the period ending March 31, 2004, subject to audit.

Next Meeting: August 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.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Adjournment: With no further business to discuss, Chair Imanaka adjourned the meeting at 11:53 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

August 11, 2004

Date

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

CY/tn/040727