

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: March 9, 2005

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
Iris Okawa, Public / Honolulu Commissioner
Trudy Nishihara, Broker / Honolulu 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

Others: None

Absent: Vern Yamanaka, Broker / Hilo Commissioner
Carol Mae Ball, Broker / Maui Commissioner

Call to Order: Chair Imanaka called the meeting to order at 9:38 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 Nishihara, seconded by Commissioner Abrams, it was voted on and unanimously carried to accept the minutes of the February 9, 2005 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOAO Registrations

Specialist Grupen reported that as of February 28, 2005, 1,497 AOAOs have successfully registered.

Upon a motion by Commissioner Okawa, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend approval to ratify issuance of effective registration dates for Association of Apartment Owners through February 28, 2005 for the 2003-2005 registration. The associations are as follows:

Aloha Aina	02/04/2005
Destiny II at Mililani Mauka Phase I	02/07/2005
Villas of Kamali'i	02/17/2005

Specialist Grupen further reported that the Condominium Association Biennial Registration applications will be mailed out on or about April 1, 2005 with a May 31, 2005 submission deadline. The online registration will go live on April 4, 2005.

Condominium Seminars and Symposium

Specialist Yee reported that the Commission was not provided cancellation notification from CAI Hawaii regarding the approved subsidized seminar "One Hour Board Meeting" which was scheduled for February 17, 2005. Staff arrived at the seminar location to find a note stating that the seminar had been cancelled. This is the second time that staff has arrived at a subsidized seminar location to find a sign informing of the seminar cancellation.

Staff was directed to contact the current president of CAI Hawaii to have the problem rectified.

Case Law Review Program

The following case law was distributed for informational purposes: *Keauhou Master Homeowners Association, Inc., et. al. vs. County of Hawaii et. al. 104 (Hawaii) 214, 87 P .3d 883 (April 18, 2004).*

Condominium Related Articles

The following articles were distributed for informational purposes: "Federal Taxation of Homeowners' Associations" and "The Future of Interest...or Interest in the Future..." *Hawaii Community Associations* (February 2005); and "Electronic Discovery" – *Hawaii Bar Journal* (February 2005).

Condominium
Project
Registration:

Condominium Project Registration - Public Reports Issued

Chair Imanaka recused himself from discussion and voting on CPR Numbers 5528, 5516, 5408, 5409, 5410, 5411, 5412, 5413, 5414, and 5390. Upon a motion by Commissioner Abrams, seconded by Commissioner Okawa, it was voted on and carried to recommend approval to ratify issuance of effective dates for developer's public reports for the month of February 2005 as follows:

Condominium Review Committee Minutes
Meeting of March 9, 2005
Page 3

Proj No	Project Name	Project Address	TMK #	Report	Date
5566	1225 & 1227 10TH AVENUE	1225 10TH AVE HONOLULU HI 96816	(1)3-03-005:020	Final	02/09/05
5562	1448 AND 1450 HOOLI CIRCLE	1448 HOOLI CIR PEARL CITY HI 96782	(1)5-01-010:016	Final	02/07/05
5585	2623 WAIOMAO ROAD	2623 WAIOMAO RD HONOLULU HI 96816	(1)3-4-036:019	Final	02/22/05
5565	3556 & 3558 ALOHEA AVENUE	3556 ALOHEA AVENUE HONOLULU HI 96815	(1)3-02-029:036	Final	02/09/05
5544	3714 AND 3716 CRATER ROAD	3714 CRATER RD HONOLULU HI 96816	(1)3-02-034:008	Final	02/18/05
5563	68-074 AU STREET	68-074 AU ST WAIALUA HI 96791	(1)6-08-011:056	Final	02/23/05
5488	735 MAKALEKA	735 MAKALEKA AVE HONOLULU HI 96816	(1)2-07-034:016	Suppl 1	02/18/05
5574	941 MAUNAWILI CIRCLE	941 MAUNAWILI CIR AILUA HI 96734	(1)4-02-075:005	Final	02/08/05
5536	ALI'I BEACH	349 S KIHEI RD IHEI HI 96753	(2)3-09-041:007	Final	02/16/05
5568	ALII PARK PLACE (INCR 2)	75-6025 ALII DR AILUA KONA HI 96740	(3)7-05-019:043	Final	02/18/05
5529	GLICKMAN CONDOMINIUM	646 AWALAU RD HAIKU HI 96708	(2)2-07-030:025	Final	02/18/05
5557	GREEN ~ HOROVITZ CONDOMINIUM	171 PULEHUIKI RD KULA HI 96790	(2)2-03-053:039	Final	02/08/05
5559	HEKILI ROAD	HEKILI RD KAPAA HI 96746	(4)4-06-018:010	Final	02/04/05
5580	HIDEAWAY HOMES ESTATES	LOT 128 MOLOKOA LIHUE HI	(4)3-6-020:039	Final	02/14/05
5587	HO'OLEI	WAILEA ALANUI WAILEA HI 96753	(2)2-01-008:119	Cont. Final	02/24/05
5567	HONOWAI ESTATES	94-621 HONOWAI ST WAIPAHU HI 96797	(1)9-04-054:004	Final	02/10/05
5345	ISLAND CLASSICS AT KAPANOE PH III	HALEPAKUI & MAHEA ST MILILANI HI 96789	(1)9-05-002:001	Final	02/22/05
5569	KA'IULANI OF PRINCEVILLE	4100 QUEEN EMMA DR PRINCEVILLE HI 96722	(4)5-03-006:022	Prelim	02/07/05
5575	KAHA KAIPII	518 KAHA ST KAILUA HI 96734	(1)4-03-081:090	Final	02/11/05
5485	KAI MALU AT WAILEA (PHASE I)	OKOLANI DRIVE KIHEI HI 96753	(2)2-01-008:117	Cont. Final	02/03/05
5553	KAI MALU AT WAILEA (PHASE II)	OKOLANI DR KIHEI HI 96819	(2)2-01-008:117	Cont. Final	02/03/05
5582	KANEPOONU CONDOMINIUM	1440 J KANEPOONU RD APAA HI 96746	(4)4-04-013:019	Final	02/18/05
5556	KE ALI'I OCEAN VILLAS	KE ALI'I ALANUI KIHEI HI	(2)3-05-020:020	Prelim	02/15/05
5551	KIHEI COMMERCIAL PLAZA	380 KALEIOKAHAKU ST KIHEI HI 96753	(2)3-09-045:012	Prelim	02/11/05
5528	KO OLINA KAI GOLF ESTATES & VILLAS	92-1065 KOIO DR KAPOLEI HI 96707	(1)9-01-056:005	Suppl 1	02/15/05
5516	KO OLINA KAI GOLF ESTATES & VILLAS I	92-1065 KOIO DRIVE KAPOLEI HI 96707	(1)9-01-056:005	Suppl 1	02/15/05
5547	KUKUI'ULA RESORT VILLAS	MCBRYDE CANE HAUL RD KOLOA HI 96756	(4)2-06-015:001	Prelim	02/16/05
5541	MAKANA HO'OHUA CONDOMINIUM	WAWAE RD KALAHEO HI 96741	(4)2-04-005:147	Final	02/04/05
5401	NA HALE AT KAHIKOLE	KAHIKOLE ST KONA HI 96740	(3)7-02-003:013	Final	02/17/05
5294	NA HALE O KEAHOHU	ALII DR KAILUA KONA HI 96740	(3)7-08-010:093	Final	02/15/05
5572	REGENCY HULE'IA	KANEKA ST LIHUE HI 96766	(4)3-03-003:048	Prelim	02/08/05
4948	REGENCY VILLAS AT POIPU KAI THE	HOOHU ROAD POIPU HI	(4)2-08-027:026	Final	02/18/05
5579	ULI MAHINA	7380 ALEALEA RD HAENA HI 96714	(4)5-08-009:025	Final	02/18/05
5530	WAILOLA'I CONDOMINIUM	65 HULUMANU PL WAILUKU HI 96793	(2)3-01-007:056	Final	02/18/05
5408	WAIPOULI BEACH RESORT (PH I)	4-818 KUHIOW HWY KAPAA HI 96746	(4)4-03-008:001	Suppl 1	02/16/05
5409	WAIPOULI BEACH RESORT (PH II)	4-818 KUHIOW HWY KAPAA HI 96746	(4)4-03-008:001	Suppl 1	02/16/05
5410	WAIPOULI BEACH RESORT (PH III)	4-818 KUHIOW HWY	(4)4-03-008:001	Suppl 1	02/16/05

5411	WAIPOULI BEACH RESORT (PH IV)	KAPAA HI 96746 4-818 KUHIO HWY	(4)4-03-008:001	Suppl 1	02/16/05
5412	WAIPOULI BEACH RESORT (PH V)	KAPAA HI 96746 4-818 KUHIO HWY	(4)4-03-008:001	Suppl 1	02/16/05
5413	WAIPOULI BEACH RESORT (PH VI)	KAPAA HI 96746 4-818 KUHIO HWY	(4)4-03-008:001	Suppl 1	02/16/05
5414	WAIPOULI BEACH RESORT (PH VII)	KAPAA HI 96746 4-818 KUHIO HWY	(4)4-03-008:001	Suppl 1	02/16/05
5390	WAIPOULI BEACH RESORT (PH VIII)	KAPAA HI 96746 4-818 KUHIO HWY	(4)4-03-008:001	Suppl 1	02/16/05

Preliminary Reports: 5
 Contingent Final Reports: 3
 Final Reports: 23
 Supplementary Reports: 11

Total: 42

Public Report Paragraph 9, page 12

Chair Imanaka reported that it was brought to the staff's attention that there is an apparent inconsistency between the language on page 12, paragraph 9 and the statute. Chair Imanaka suggested deferring the issue to the Condominium consultant's forum to get the consultant's input prior to the Committee looking at the issue.

Condominium Consultants

Specialist Yee reported that staff is working through the procurement process to finalize the contract of nine condominium consultants. This will increase the total number of condominium consultants by one.

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

Chair Imanaka reported that first decking has occurred at the legislature.

Legislative Acts & Resolutions

SEO Kimura reported on this matter at the Laws and Rules Review Committee meeting.

Interactive Participation with Organizations

Report on the 2004 CAI Community Leadership Forum prepared by SEO Kimura was distributed for informational purposes.

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.

CEF Budget &
Finance Report:

Condominium Education Fund – December 31, 2004

Upon a motion by Commissioner Kagawa, seconded by Commissioner Nishihara, it was voted on and unanimously carried to recommend approval to accept the pro forma report of the Condominium Education Fund dated February 28, 2005, subject to audit.

Next Meeting:

April 13, 2005
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 9:52 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

April 13, 2005

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____