

**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: February 13, 2008

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: William Chee, Chair, Broker / Honolulu Commissioner – early departure  
Mark Suiso, Vice Chair, Public / Honolulu Commissioner  
Louis Abrams, Broker / Kauai Commissioner  
Trudy Nishihara, Broker / Honolulu Commissioner  
Carol Ball, Broker / Maui Commissioner  
Stanley Kuriyama, Broker / Honolulu Commissioner  
Michele Sunahara Loudermilk, Public / Honolulu Commissioner  
Annette Aiona, Broker / Hilo Commissioner  
Frances Gendrano, Broker / Honolulu Commissioner

Neil Fujitani, Acting Supervising Executive Officer  
Cynthia Yee, Senior Condominium Specialist  
Cheryl Leong, Condominium Specialist  
Benedyne Stone, Condominium Specialist  
Diane Choy Fujimura, Senior Real Estate Specialist  
Amy Endo, Real Estate Specialist  
David Grupen, Real Estate Specialist  
James Paige, Deputy Attorney General  
Tammy Norton, Recording Secretary

Others: Richard M. Matthews, Attorney at Law  
Milton Motooka, Community Associations Institute Hawaii Chapter  
Glenn Adachi, Condominium Consultant

Absent: None

Call to Order: Chair Chee called the meeting to order at 10:47 a.m., at which time quorum was established.

Chair's Report: No report was presented.

The Chair announced that the Commission may move into executive session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Section 92-5(a)(1), HRS, and/or to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities in accordance with Section 92-5(a)(4), HRS.

Condominium  
Specialist's  
Report:

#### **Additional Distribution**

The following materials were distributed prior to the start of the meeting:

4. Condominium Governance and Management
  - d. Condominium Seminars and Symposium
    - 1) Option to Renew Contract with Community Associations Institute Hawaii (CAIH) For Up to 3 Fiscal Years
    - 2) CAIH's January 28, 2008 request to amend 2008 CAI Seminar Offering

Minutes:

Upon a motion by Commissioner Nishihara, seconded by Commissioner Gendrano, it was voted on and unanimously carried to accept the minutes of the December 12, 2007 Condominium Review Committee meeting as circulated.

Condominium  
Governance and  
Management:

#### **AOAO Registrations**

Specialist Stone reported that as of January 31, 2008, 1,557 AOAOs have successfully registered.

#### **Procurement of Mediation Providers for Fiscal Year 2009**

Specialist Stone reported that the current contracts with the mediation providers will expire June 30, 2008. The current contracts do not provide for any further automatic renewals. Should the Commission desire to continue mediation services through contracted vendors it must seek authorization to enter into agreements in accordance with the small purchase procurement law and rules.

Commissioner Loudermilk reminded staff that at a previous meeting it was requested that in future procurement for mediation services that the Commission include language to request the names of the parties involved in the mediation.

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Nishihara, it was voted on and unanimously carried that staff begin the procurement process for mediation providers.

#### **West Hawaii Mediation Center Quarterly Report on Condominium Mediations**

West Hawaii Mediation Center's (WHMC) quarterly report was distributed for informational purposes. WHMC reported that they received no condominium referrals during the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2007.

#### **Option to Renew Contract with Community Associations Institute Hawaii Chapter**

It was reported that the current contract with Community Association Institute Hawaii Chapter to administer and deliver seminars and educational sessions has an expiration date of June 30, 2008. The State has the option to renew the contract for up to three (3) successive one (1) fiscal year term, subject to availability of the Condominium Education Fund, the Commission's fiscal year

Seminar and Symposium Budget Allocation, administrative approvals, and pursuant to the same terms and conditions of the current contract.

Specialist Yee reported that CAI Hawaii provided the Commission a CD containing copies of the seminar evaluations for seminars offered during the past two years just one day before today's CRC meeting. Thus, an initial review of the evaluations indicates that generally the speakers received ratings of mostly 4s and 5s, the highest ratings on the form; and that the objectives of the seminars were met. The received evaluations were available for inspection.

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Abrams, it was voted on and unanimously carried to exercise the Commission's option to extend the current contract for one fiscal year term, subject to availability of the Condominium Education Fund, the Commission's fiscal year Seminar and Symposium Budget Allocation, administrative approvals, and pursuant to the same terms and conditions of the current contract.

#### **CAI Hawaii's Request to Amend 2008 CAI Hawaii Seminar Offering**

Milton Motooka, Co Chair of CAI Hawaii's Program's Committee, was present. After reviewing the request, Commissioner Loudermilk questioned whether the name of the first seminar, "Dingbats, Druggies & Damsels, Solving the 'D' Problem in Community Associations" could be renamed so as not to offend anyone.

Mr. Motooka responded that due to the concerns of a Mental Health Association, this seminar was renamed to its current name. Mr. Motooka noted that the title of the seminar needs to be attractive for individuals to register.

Mr. Motooka further noted that CAI Hawaii has made a concerted effort to offer more seminars on the neighbor islands per the Commission's request. Mr. Motooka reported that this is very taxing on CAI Hawaii. Speakers are volunteer members and are not paid for their time.

Commissioner Aiona questioned why seminars are not offered in Hilo or Waikoloa versus just Kona.

Mr. Motooka reported that it is partially due to more reasonable facility costs and that the Kona area draws a larger attendance.

Commissioner Suiso questioned whether CAI Hawaii believes that a live seminar format is the most effective way to get information out.

Mr. Motooka responded in the affirmative and noted that it is always difficult to get people involved in education.

Upon a motion by Commissioner Aiona, seconded by Commissioner Suiso, it was voted on and unanimously carried to approve the following additional programs and estimated expenses for the neighbor island seminars subject to successful contract extension for those seminars offered after June 30, 2008:

Dingbats, Druggies & Damsels, Solving the "D" Problem in Community Associations – March 5, 2008  
Dealing with Hazards Asbestos/Mold, etc – May 2008, Kona

ABCs – June 2008, Kona  
Legislative Update – August 2008, Maui

### Report on CAI Hawaii's Seminar "Avoiding Disasters at Annual Meetings"

Specialist Stone submitted a written report on her monitoring of CAI Hawaii's Seminar "Avoiding Disasters at Annual Meetings" held on January 26, 2008. Report distributed for informational purposes.

### Education Calendar

A copy of CAI Hawaii's seminar list for 2008 from the December 2007 issue of Hawaii Community Associations was distributed for informational purposes.

### Case Law Review

The following articles were distributed for informational purposes:

- 1) *Barth v. Board of Managers of CBJE Condominium* October 2007 – reported in Community Association Management Insider (January 2008)
- 2) *Lumbermens Mutual Casualty Co. v. Dadeland Cove Section One Homeowners' Association*, October 2007 – reported in Community Association Management Insider (January 2008)
- 3) *Annual Index* – reported in Community Association Management Insider (February 2008).

### Condominium Related Articles

The following articles were distributed for informational purposes:

- 1) "Annual Meetings" - *Hawaii Community Associations (December 2007)*
- 2) "Budget Preparation" - *Hawaii Community Associations (December 2007)*
- 3) "Identity Theft & the Internet Part II" - *Hawaii Community Associations (December 2007)*
- 4) "Prescription Pets" - *Common Ground (January/February 2008)*
- 5) "Road Less Traveled" - *Common Ground (January/February 2008)*.

### CDR Pilot Program

The following was distributed for informational purposes: *Robert and Bonnie Wund vs. Board of Directors, The Fairway Villas at Waikoloa Beach AOA, Certified Management, Inc.* - CDR-2007-7.

Condominium  
Project  
Registration:

### Condominium Project Registration - Public Reports Issued

A list of those condominium projects issued effective dates during the months of December 2007 and January 2008 were distributed for informational purposes.

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNIT TTL	REPORT	DATE
6494	2133 & 2115 HUNNEWELL CONDOMINIUM	2113 & 2115 HUNNEWELL ST HONOLULU HI 96822	128022022	2	B RPT	12/17/2007
6470	259 KUAHIWI AVENUE	259 KUAHIWI AVENUE WAHIAWA HI 96786	174002033	2	B RPT	12/11/2007
6399	3738 OMAO CONDOMINIUM PROJECT	3738 OMAO RD KOLOA HI 96756	427004070	2	B RPT	12/7/2007
2358	4133-4139-4149-4155 SIERRA DRIVE	4133/37/49/55 SIERRA DR	133018024	4	SUPPL 4	12/12/2007

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6371	4949 PUUWAI ROAD CONDOMINIUM	HONOLULU HI 96816 4949 PUUWAI RD KALAHEO HI 96741	424004050	2	B RPT	12/7/2007
6435	ALA MOANA TOWER	1617 KAPIOLANI BLVD HONOLULU HI 96814	123041011	137	B AMD	12/20/2007
6490	ALA WAI KAHU	4677 ALA WAI RD WAIMEA HI 96796	416011006	3	B RPT	12/27/2007
6185	ALLURE WAIKIKI	1837 KALAKAUA AVE HONOLULU HI 96815	126013001	301	B AMD 2	12/12/2007
5999	BROOKLYN'S HILLSIDE PHASE II	45-555 KEAAHALA RD KANEHOE HI 96744	145021004	2	SUPPL	12/13/2007
6453	EQUUS CONDOMINIUM	1696 ALA MOANA BLVD HONOLULU HI 96815	126011020	73	B RPT	12/13/2007
6427	HAWAII TIMES BUILDING THE	928 NUUANU AVE HONOLULU HI 96817	117002040	15	B AMD	12/19/2007
5830	KALIKA MAKAI CONDOMINIUM	5143 KALIKA ST KAPAA HI 96746	446036160	2	SUPPL	12/6/2007
6438	KAMAHEA ESTATE	LOT 3 KAPAA HI 96746	444005015	2	B RPT	12/7/2007
6499	MAKALA	4901 HANAIEI PLANTATION RD PRINCEVILLE HI 96722	454004047	2	B RPT	12/27/2007
6441	MAKALI'I	HOOLAULEA WAY KALAPAKI HI	435001027	44	B RPT	12/11/2007
6450	MATIAS CONDOMINIUM	5147 KUA RD KALAHEO HI 96741	424002007	3	B RPT	12/24/2007
6203	MONTECITO/TUSCANY III (TUSCANY 2, PH 2)	91-200 KEAUNUI DR EWA BEACH HI 96706	191010007	15	B AMD	12/20/2007
6213	MONTECITO/TUSCANY III (TUSCANY 2, PH 5)	91-200 KEAUNUI DR EWA BEACH HI 96706	191010007	16	B AMD	12/20/2007
6214	MONTECITO/TUSCANY III (TUSCANY 2, PH 6)	91-200 KEAUNUI DR EWA BEACH HI 96706	191010007	17	B AMD	12/20/2007
6215	MONTECITO/TUSCANY III (TUSCANY 2, PH 7)	91-200 KEAUNUI DR EWA BEACH HI 96706	191010007	15	B AMD 2	12/20/2007
6513	NEX GENERATION KAPOLEI	1019 LAUIA ST KAPOLEI HI 96707	191075021	10	B RPT	12/28/2007
6476	OCEAN COAST HOMES	87-122 AU'YONG HOMESTEAD RD WAIANA'EA HI 96792	187026018	2	B RPT	12/21/2007
6498	OMAO RANCH LANDS	2-3990-B KAUMUALII HWY OMAO HI 96756	427003005	12	B RPT	12/14/2007
4112	PINNACLE, HONOLULU THE	1199 BISHOP ST HONOLULU HI 96813	121010026	50	SUPPL 3	12/20/2007
6480	SCHNEIDER MAUKA VIEW ESTATES	819 B, C & D ONEAWA ST KAILUA HI 96734	143068079	3	B RPT	12/6/2007
6122	TRUMP INTERNATIONAL HOTEL & TOWER AT WAIKIKI BEACH	KALIA RD HONOLULU HI 96815	126003032	467	B AMD	12/20/2007

DECEMBER 2007

0	<b>Preliminary Reports</b>
0	<b>Contingent Final Reports</b>
0	<b>Final Reports</b>
4	<b>Supplementary Reports</b>
14	<b>B Reports</b>
8	<b>B Amendment Reports</b>
26	<b>TOTAL DECEMBER 2007 REPORTS</b>

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNIT TTL	REPORT	DATE
6502	1244 EKAHA AVENUE	1244A EKAHA AVE HONOLULU HI 96816	133011026	2	B RPT	1/14/2008
6458	4300 UPA ROAD CONDOMINIUM	4300 UPA RD KOLOA HI 96756	427008088	2	B RPT	1/9/2008
6521	434 A AND B MALUNIU AVENUE	434 A AND B MALUNIU AVE KAILUA HI 96734	143034020	2	B RPT	1/28/2008
6515	44 MAKAWEO CONDOMINIUM	44 MAKAWEO AVE WAHIAWA HI 96786	174016048	2	B RPT	1/16/2008
6477	47-410 AHUIMANU PLACE	47-410 AHUIMANU PL KANEHOE HI 96744	147003007	2	B RPT	1/8/2008
6149	6202 KAWAIHAU ROAD CONDOMINIUM	6202 KAWAIHAU RD KAPAA HI 96746	446032027	2	SUPPL	1/9/2008
6482	6233 KEOKEA PLACE	6233 KEOKEA PL HONOLULU HI 96825	139034058	8	B RPT	1/18/2008
6394	AHUIMANU PLACE ESTATES	47-414 AHUIMANU PL KANEHOE HI 96744	147003005	2	B AMD	1/16/2008
6449	BALI HAI VILLAS PHASE XI (BLDGS 12 & 13, INCR 12 & 13)	4970 PEPELANI LP PRINCEVILLE HI 96722	454005036	26	B AMD	1/15/2008
5715	BEACH VILLAS AT KO OLINA	92-102 WAILII PL KAPOLEI HI 96707	191057009	253	SUPPL 3	1/30/2008
6467	BETTENCOURT PLANTATION HALE	WANA'AO RD	446007020	2	B RPT	1/16/2008

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6483	CASTLE POINT I	KAPAA HI 96746 53 & 55 KAILUANA PL KAILUA HI 96734	143022014	2	FINAL	1/9/2008
6475	FOLSTER-NITTA ESTATES	LOT D-1-B KEKAHA HI 96752	413009019	3	B RPT	1/16/2008
6487	H & M LAHAINA CONDOMINIUM	PUA NIU WAY LAHAINA HI 96761	247009075	2	FINAL	1/10/2008
6479	HALE NAULU	4332 NAULU PL KOLOA HI 96756	427004064	2	B RPT	1/17/2008
6486	KAALAEA KAI ESTATES	61-300 KAMEHAMEHA HWY HALEIWA HI 96712	161011023	2	B RPT	1/7/2008
5900	KAPALUA BAY CONDOMINIUM	1 BAY DR KAPALUA HI 96761	242004028	148	SUPPL	1/11/2008
5933	KAPOLEI SPECTRUM II BUSINESS PARK	1042 MUNU ST* KAPOLEI HI 96707	191075022	93	SUPPL	1/7/2008
5717	KARASIC PARK II	4758 LAE RD KALAHEO HI 96741	424005019	3	SUPPL	1/31/2008
6478	KOALI'AINA ESTATES	5771 KOALI ST KAPAA HI 96746	442009043	2	B RPT	1/23/2008
6507	LACADEN ESTATES CONDOMINIUM	LOT 68-F KAPAA HMSTDS KAPAA HI 96746	446006073	2	B RPT	1/28/2008
6062	LAHAINA VIEW CONDOMINIUM	52 LAU NIU WAY LAHAINA HI 96761	247010082	2	SUPPL	1/10/2008
6525	LANIHULI VILLAS	2037 LINOHAU WAY HONOLULU HI 96822	129001014	2	B RPT	1/31/2008
6506	LEOKANE INDUSTRIAL COURT	94-125 LEOKANE ST WAIPAHU HI 96797	194049045	5	B RPT	1/25/2008
5597	LOFT @ WAIKIKI	427 LAUNIU ST HONOLULU HI 96815	126017068	36	SUPPL 2	1/31/2008
6522	MILO COURT AT KEHALANI	HONOAPILANI HWY WAILUKU HI 96793	235001081	94	CONT	1/15/2008
6393	MOANAKEA VILLAS	KAPIOLANI ST HILO HI 96720	323012060	18	CONT	1/30/2008
3043	NAMAHANA PARTNERS	LOT 30 KALIHIWAI RDG II KILAUEA HI 96754	452022028	5	SUPPL	1/29/2008
6510	NOHONA AT KAPOLEI - PHASE I	KAIU AVE KAPOLEI HI 96707	191016059	60	B RPT	1/9/2008
6452	OMAO LOT 46-B	LOT 46-B OMAO OMAO HI 96765	427004017	2	B RPT	1/16/2008
6432	PERKINS ESTATES	6381 PUUPILO ROAD KAPAA HI 96746	442006163	2	FINAL	1/2/2008
6489	PUA CONDOMINIUM PROJECT	402 PUA RD KAPAA HI 96746	441013046	2	B RPT	1/10/2008
6512	RS ESTATES I	4077-P KOLOA RD KOLOA HI 96756	425005092	2	B RPT	1/28/2008
6493	ULUNIU BUSINESS CENTER	305 ULUNIU ST KAILUA HI 96734	143054045	7	B RPT	1/8/2008
6472	VANGUARD LOFTS THE	720 KAPIOLANI BLVD HONOLULU HI 96813	121044035	37	B RPT	1/9/2008

JANUARY 2008

0	Preliminary Reports
2	Contingent Final Reports
3	Final Reports
8	Supplementary Reports
20	B Reports
2	B Amendment Reports
35	TOTAL JANUARY 2008 REPORTS

**Request of Richard M. Matthews, Esq. dated December 10, 2007, Proposed CPR registration of Montalvo-Reed; 1324 West Kuiaha Road, Haiku Hawaii relating to but not limited to §514B-3, HRS, Definitions including "Unit," "Common Elements," "Limited Common Element," "Property," "Common Interest," §514B-5, HRS, §514B-36, HRS**

Mr. Richard Matthews, attorney for the developer was present. Specialist Yee noted that the Commission's condominium consultant has returned the subject condominium project assigned to him for review and recommendation of issuance of an effective date. The developer's attorney and the Commission's condominium consultant have been going back and forth on the issues of common elements and limited common elements.

Mr. Matthews reported that the condominium project consists of 2 spatial condominium units and a common element. The developer's position is that there is no requirement for land surrounding an existing dwelling to be designated as a limited common element and that such land may be designated as being within and part of a condominium unit defined by spatial coordinates. Mr. Matthews further noted that units in this condominium property regime may be defined to include and be comprised of portions of the real estate within the regime, including improved land surrounding the existing dwelling.

Commissioner Loudermilk questioned whether the developer is trying to create a subdivision.

Mr. Matthews responded that the CPR does comply with all county zoning and permitting requirements and is not a true subdivision, although the county would treat it as a subdivision. He also noted that no additional dwellings will be created.

Commissioner Kuriyama questioned whether the county letters have been submitted to the Commission.

Specialist Yee clarified that she understands that besides the normal structural "compliance" as built letter, staff has not received any other statements or county approval letters.

Commissioner Loudermilk noted that there is a distinction in land ownership which may require a subdivision. Chapter 514B requires that any condominium property regime established under Chapter 514B shall conform to the existing underlying county zoning and all applicable county permitting requirements. If all county zoning and permitting requirements have been met, the developer should submit verification.

Commissioner Kuriyama questioned what the problem was with going the traditional route in filing for the CPR.

Mr. Matthews responded that the developer didn't see a need or requirement to have limited common elements as the property is already developed. He further noted that the developer desires to not go back and have the project resurveyed and completion of the additional documentation which would be required when the law does not require that there be limited common elements.

Mr. Glenn Adachi, Condominium Consultant, reported that this is the first he's seen where the land is not a common element. In Chapter 514B, the definition of common element is not as descriptive as under Chapter 514A. The developer is seeking to have the unit be the entire property. The map shows the structures and what would have been the limited common elements. The entire area is redefined as the unit. He also noted that the declaration does describe the entire parcel.

Mr. Matthews reported that the entire parcel is delineated and described. The only common element is the shared driveway. The condominium units consist of not only the structure, but of all surrounding land.

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Loudermilk it was voted on and unanimously carried to take the matter under advisement.

#### **Report on the Condominium Consultants Forum of December 3, 2007**

Acknowledged receipt of report on the condominium consultant's forum of December 3, 2007. Discussion followed relating to item 2 (title reports), item 7 (common element), and item 8 (conversion of existing structure to a condominium status).

#### **Procurement of Condominium Consultants for Fiscal Year 2009 or sooner**

Upon a motion by Commissioner Kuriyama, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to begin the procurement for condominium consultants for fiscal year 2009 (or sooner) -2012 with options to renew for up to two fiscal years for the total contract price of up to \$55,000 for the 1<sup>st</sup> year of the contract, up to \$60,000 for the 2<sup>nd</sup> and 3<sup>rd</sup> year; and increase the compensation per full and subsequent review from \$900 to \$1000 and \$75 to \$150 for review of updates involving up to two material changes to compensate for the increase amount of time it takes to review condominium project registration applications and draft developer's public reports pursuant to the new recodified and original condominium law (Chapter 514B, HRS and Chapter 514A, HRS).

#### **Wai Halana Hawaii Flood News, Department of Land and Natural Resources Engineering Division (January 2008)**

The following articles were distributed for informational purposes: "New Flood Control Law for Hawaii County," and "Floodplain Mapping Updates."

Program of Work:

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

Acting SEO Fujitani reported on the status of the following bills:

House Bill No. 2121 – requires regular surveys of residents of multi-unit residential buildings on specific needs and issues relating to medical needs, accommodations for the disabled, and other special needs for emergency preparation purposes. Requires multi-unit residential buildings to have and inform their residents of emergency evacuation plans. Bill deferred.

House Bill No. 2460 – allows condominium associations to invest funds in certificates of deposit through the Certificate of Deposit Accounting Registry Service network. Bill passed as is.

House Bill No. 3305 – makes amendments to Chapter 514B, HRS, to clarify and improve implementation of its provisions. Bill passed with a HD1.

Senate Bill No. 2420 – requires planned community associations to register and re-register with and pay fees to the real estate commission on a biennial basis. Bill deferred indefinitely.

**Interactive Participation with Organizations – CAI's 57<sup>th</sup> National Conference and Exposition – April 30-May 3, 2008 "The Magic of Community"**

Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to approve sending three participants, two staff and one Commissioner, to CAI's 57<sup>th</sup> National Conference and Exposition, participants to be designated by the REC Chair and the Acting SEO; subject to receipt of the necessary approvals and budget.

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: Upon a motion by Commissioner Loudermilk, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to accept the Condominium Education Fund Financial Report for the period ending December 31, 2007.

Executive Session: Upon a motion by Commissioner Ball, seconded by Commissioner Aiona, 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."

Chair Chee was excused from the meeting at 11:32 a.m., Vice Chair Suiso chaired the meeting.

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

**CPR Project - Informal Non-Binding Interpretations pursuant to §16-201-92, HAR – Request of Richard M. Matthews, Esq. dated December 10, 2007, Proposed CPR registration of Montalvo-Reed; 1324 West Kuiaha Road, Haiku Hawaii relating to but not limited to §514B-3, HRS, Definitions including "Unit," "Common Elements," "Limited Common Element," "Property," "Common Interest," §514B-5, HRS, §514B-36, HRS**

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Aiona, it was voted on and unanimously carried to advise the Commission's condominium consultant to consult with the developer to seek guidance from the County and provide to the commission proper documentation of county compliance as required by §514B-5, §514B-32(a)(13) and §514B-54(a)(8).

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Next Meeting: March 12, 2008  
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, Vice Chair Suiso adjourned the meeting at  
11:49 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

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Cynthia M. L. Yee  
Senior Condominium Specialist

February 29, 2008

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Date

Minutes approved as is.

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

CY/tn/080225