

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: May 7, 2008

Time: Upon adjournment of the Education Review Committee meeting which follows the Laws and Rules Review Committee meeting scheduled to convene at 9:30 a.m.

Place: REALTORS Association of Maui
441 Ala Makani Place
Kahului, Maui

Present: William Chee, Chair, Broker / Honolulu Commissioner
Mark Suiso, Vice Chair, Public / Honolulu Commissioner
Louis Abrams, Broker / Kauai Commissioner
Trudy Nishihara, Broker / Honolulu Commissioner
Carol Ball, Broker / Maui Commissioner
Michele Sunahara Loudermilk, Public / Honolulu Commissioner
Annette Aiona, Broker / Hilo Commissioner

Neil Fujitani, Acting Supervising Executive Officer
Cynthia Yee, Senior Condominium Specialist
Diane Choy Fujimura, Senior Real Estate Specialist
Tammy Norton, Recording Secretary

Others: Jo Lynn Samuelson
Don Samuelson
Cielo Molina, Regulated Industries Complaints Office
Kerrin Medrano

Absent: Stanley Kuriyama, Broker / Honolulu Commissioner
Frances Gendrano, Broker / Honolulu Commissioner

Call to Order: Chair Chee called the meeting to order at 10:08 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.

Commissioners Kuriyama and Gendrano were excused from the meeting. Prior notification of their non-attendance was received.

Condominium
Specialist's
Report:

Additional Distribution

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

5. CPR Registration and Developer's Public Reports
 - a. Condominium Projects and Developer's Public Reports
 - 1) April 2008

Minutes:

Upon a motion by Commissioner Aiona, seconded by Commissioner Nishihara, it was voted on and unanimously carried to accept the minutes of the April 9, 2008 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOAO Registrations

Specialist Yee reported that as of April 30, 2008, 1,591 AOAOs have successfully registered.

Ad Hoc Committee on Condominium Education and Research

It was reported that Vice Chair Suiso has reviewed the scope of services for updating the owner rights and responsibilities brochure. Procurement for updating this publication should follow.

Vice Chair Suiso reported that the distribution of this information will be the real challenge.

Case Law Review Program

Foonberg v. Thornhill Homeowners Assn. from the April 2008 issue of *Community Associations Management Insider* was distributed for informational purposes.

Condominium Related Articles

The following articles from the April 2008 issue of *Community Association Management Insider* were distributed for informational purposes: "Set Fair Housing Code of Conduct for Maintenance Staff," "Avoid Three Pitfalls to Prevent Discrimination Complaints," and "Fair Housing Code of Conduct."

Condominium
Project
Registration:

Condominium Project Registration - Public Reports Issued

A list of those condominium projects issued effective dates during the month of April 2008 were distributed for informational purposes.

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNIT	REPORT	DATE
6530	1326 & 1326A 13TH AVENUE	1326 & 1326A 13TH AVE HONOLULU HI 96816	133009050	2	B REPT	4/10/2008
6539	432-A AND 432-B KALAMA STREET	432-A & 432-B KALAMA ST KAILUA HI 96734	143039015	2	B REPT	4/2/2008
6574	5460 LHP CONDOMINIUM	5460 LWR HONOAPILANI HWY LAHAINA HI 96761	243002077	2	B REPT	4/29/2008
6524	59-595 KE IKI ROAD	59-595 KE IKI RD HALEIWA HI 96712	159003023	5	B REPT	4/1/2008

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6534	84-1068 & 84-1072 LAHAINA STREET	84-1068 & 84-1072 LAHAINA ST WAIANAHI HI 96792	184021007	2	B REPT	4/21/2008
6518	AU KAI HALE MAKAI	68-091 AU ST WAIALUA HI 96791	168011052	4	B REPT	4/10/2008
6584	BALI HAI VILLAS PHASE XIII	4970 PEPELANI LP PRINCEVILLE HI 96722	454005036	14	B REPT	4/21/2008
6537	BROADVIEW ESTATES CONDOMINIUM	1497 H PUU RD KALAHEO HI 96741	423006022	2	B REPT	4/17/2008
6558	EMMALANI ESTATES	6525 ANAHULU RD WAINIHA HI 96714	458006055	2	B REPT	4/1/2008
5708	GLACIER BAY CONDOMINIUM	LOT 7 KALIHUWAI RD KILAUEA HI 96754	453003047	2	SUPPL 2	4/4/2008
6509	HALE MAUKA	4907 KIALA RD KALAHEO HI 96714	424005121	2	B REPT	4/4/2008
6569	HALE WAILANI	4755 KAWAIHAU RD KAPAA HI 96746	446016069	2	B REPT	4/23/2008
6481	HALEHAKU CONDOMINIUM	275 KULIKE RD HAIKU HI 96708	228006028	2	B REPT	4/24/2008
5723	HALI'I KAI (PHASE I)	69-1029 NAWAHINE PL WAIKOLOA HI 96738	369010001	56	SUPPL 5	4/9/2008
5891	HALI'I KAI (PHASE IIA)	69-1029 NAWAHINE PL WAIKOLOA HI 96738	369010001	16	SUPPL 4	4/9/2008
5724	HALI'I KAI (PHASE IIB)	69-1029 NAWAHINE PL WAIKOLOA HI 96738	369010001	16	SUPPL 4	4/9/2008
5892	HALI'I KAI (PHASE III)	69-1029 NAWAHINE PL WAIKOLOA HI 96738	369010001	32	SUPPL 4	4/9/2008
5911	HALI'I KAI (PHASE IV)	69-1029 NAWAHINE PL WAIKOLOA HI 96738	369010001	32	SUPPL 4	4/9/2008
5671	HALI'I KAI (PHASE V)	69-1029 NAWAHINE PL WAIKOLOA HI 96738	369010001	41	SUPPL 4	4/9/2008
6551	HALI'IPUA VILLAS	HALIIPUA PL KONA HI 96740	372029028	12	B REPT	4/3/2008
6464	HAPPY VALLEY TARO CONDOMINIUM	5-5851 KUHIOW HWY HANALEI HI 96714	456004008	2	B AMEND	4/2/2008
6289	HO'ONANEA AT LAHAINA	KEAWE ST LAHAINA HI 96761	245011010	100	B AMEND	4/29/2008
5520	HOTEL HANA-MAUI CONDOMINIUMS THE	5031 HANA HWY HANA HI 96713	214004022	21	SUPPL 2	4/3/2008
6517	JACINTHO ESTATES	4803 PUUWAI RD KALAHEO HI 96741	424005106	2	B REPT	4/16/2008
6411	JOHNSON ESTATES CPR	1050 KAMALU RD KAPAA HI 96746	444011013	2	B REPT	4/28/2008
6564	KAHALA GARDENS	1220 HUNAKAI ST HONOLULU HI 96816	135016002	16	B REPT	4/1/2008
6538	KALAE'OHUA AT CASTLE POINT	45 & 47 KAILUANA PL KAILUA HI 96734	143022015	2	B REPT	4/1/2008
6576	KE NOHO KAI TOWNHOMES INCR 5	91-1040 KAILEOLEA DR EWA BEACH HI 96706	191123115	20	B REPT	4/9/2008
6279	KEALANANI KUMUKUMU PHASE 1 AND 2	2371 KEALIA RD KEALIA HI 96751	447004001	94	B AMEND	4/16/2008
6290	KEALANANI MAKEE PHASES 1 AND 2	2371 KEALIA RD KEALIA HI 96751	447003002	96	B AMEND	4/16/2008
6542	KILOHANA CENTER	KUPUOHI ST LAHAINA HI 96761	245010067	13	B REPT	4/24/2008
6573	KLING CONDOMINIUM	588 KAI HELE KU ST LAHAINA HI 96761	247009045	2	B REPT	4/29/2008
6485	MAILI BEACH PLACE	87-150 MAIPALAOA RD WAIANAHI HI 96792	187023060	65	B REPT	4/21/2008
6320	MAKANA KAI @ WEHILANI - PH I (INCR 1-C)	WAIKOLOA RD KOHALA HI	368002027	24	B AMD	4/11/2008
3039	MALUHIA KULA	75-501 MAMALAHOA HWY HOLUALOA HI 96725	375013055	4	SUPPL	4/1/2008
6570	NA HALE O KILINAHE	39 MAHA RD MAKAWAO HI 96768	224006028	13	B REPT	4/29/2008
6510	NOHONA AT KAPOLEI - PHASE I	KAIKAWA AVE KAPOLEI HI 96707	191016059	60	B AMD	4/17/2008
6566	PU'UHONU PROFESSIONAL BUILDING	75 PU'UHONU PLACE HILO HI 96720	323035035	7	B REPT	4/2/2008
6572	PUNALUU LANI	53-416 KAMEHAMEHA HWY HAUULA HI 96717	153005052	2	B REPT	4/17/2008
6555	PUUWAI HALE ESTATES	5008 PUUWAI RD KALAHEO HI 96741	424005083	4	B REPT	4/11/2008
6468	SPENCER PLACE	1030 & 1032 SPENCER ST	124016025	4	B AMD	4/17/2008

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6207	TOWN HOMES AT FAIRWAY'S EDGE INCR 5	HONOLULU HI 96822 KEONEULA BLVD	191012070	16	B AMD	4/24/2008
6238	TOWN HOMES AT FAIRWAY'S EDGE INCR 6	EWA BEACH HI 96706 KEONEULA BLVD	191012070	20	B AMD	4/24/2008
6274	TOWN HOMES AT FAIRWAY'S EDGE INCR 7	EWA BEACH HI 96706 KEONEULA BLVD	191012070	20	B AMD	4/24/2008
6315	TOWN HOMES AT FAIRWAY'S EDGE INCR 8	EWA BEACH HI 96706 KEONEULA BLVD	191012070	12	B AMD	4/24/2008
6324	TOWN HOMES AT FAIRWAY'S EDGE INCR 9	EWA BEACH HI 96706 KEONEULA BLVD	191012070	29	B AMD	4/24/2008
6577	TRADEWINDS BUSINESS COMPLEX	EWA BEACH HI 96706 72 ULUPONO ST	245010052	7	B REPT	4/29/2008
5993	VENTURA CONDOMINIUM	LAHAINA HI 96761 568 KAMALU RD	442003015	2	SUPPL 2	4/22/2008
6561	WAIKAPU CENTER I	KAPAA HI 96746 167 MANEA PL	238007089	9	B REPT	4/29/2008
6562	WAIKAPU CENTER II	WAILUKU HI 96793 124 MANEA PL	238007089	9	B REPT	4/29/2008
6543	WAILUKU VILLAGE BUILDING NO. 1	WAILUKU HI 96793 245 WAINAKU ST	326008023	18	B REPT	4/29/2008
6544	WAILUKU VILLAGE BUILDING NO. 2	HILO HI 96720 245 WAINAKU ST	326008023	12	B REPT	4/29/2008
6545	WAILUKU VILLAGE BUILDING NO. 3	HILO HI 96720 245 WAINAKU ST	326008023	12	B REPT	4/29/2008
6546	WAILUKU VILLAGE BUILDING NO. 4	HILO HI 96720 245 WAINAKU ST	326008023	12	B REPT	4/29/2008
6547	WAILUKU VILLAGE BUILDING NO. 5	HILO HI 96720 245 WAINAKU ST	326008023	15	B REPT	4/29/2008
6548	WAILUKU VILLAGE BUILDING NO. 6	HILO HI 96720 245 WAINAKU ST	326008023	12	B REPT	4/29/2008
6549	WAILUKU VILLAGE BUILDING NO. 7	HILO HI 96720 245 WAINAKU ST	326008023	24	B REPT	4/29/2008
6241	WISE CONDOMINIUM	HILO HI 96720 6360 PUUPILO RD	442022001	2	B AMD	4/2/2008
0	Preliminary Reports					
0	Contingent Final Reports					
0	Final Reports					
10	Supplementary Reports					
35	B Reports					
13	B Amendment Reports					
58	TOTAL REPORTS					

Owner-Occupant – Certification of Serious Illness for Commission "No Action Letter"

Upon a motion by Commissioner Abrams, seconded by Commissioner Nishihara, it was voted on and unanimously carried when reviewing the certification statements to approve the use of the definition of "physician" as provided in Section 386-1, HRS, that provides that a "physician" "includes a doctor of medicine, a dentist, a chiropractor, an osteopath, a naturopath, a psychologist, an optometrist, and a podiatrist." In particular, where certification statements are signed by professionals other than a medical doctor and those professions are included in the statutory definition of "physician" of section 386-1, HRS, those certification statements shall be construed to have been signed by a "U.S. licensed physician."

Registration of Condominium Projects with Fractionalized Interest – Developer's Public Report and Disclosures

Specialist Yee reported that at the March 2008 CRC meeting, committee members directed staff to create a checklist for condo projects with fractionalized

interest. Staff sent out a draft of the checklist for comments to the condominium consultants. Attached for the committee's review are the comments received.

Chair Chee questioned whether the Deputy Attorney General was sent a copy for review.

Specialist Yee responded that the Deputy Attorney General was provided a copy of the checklist for her review and to date staff has not received any comments from her.

Commissioner Loudermilk noted that the consultants' comments varied; and it is not clear whether the checklist is intended for purchasers buying into a project which also offers fractionalized interest units or for the protection of the fractionalized purchasers, which may not be under the authority of the Real Estate Commission. Discussion continued about the nature and scope of Commission's jurisdiction over fractionalized units and sales of.

It was requested that the committee seek the comments and review of the deputy attorney general before moving forward.

Upon a motion by Commissioner Aiona, seconded by Commissioner Nishihara, it was voted on and unanimously carried to defer the issue for the deputy attorney general's review and comments.

Specialist Yee questioned what staff should do in the meantime with those projects being submitted with fractionalized interest units.

Chair Chee responded that the developers of such project submissions should be informed that the Commission is still reviewing the issue and seeking the assistance of its deputy attorney general.

Consultants

It was reported that the Commission is currently procuring for professional services of private contractors for the review of condominium property regime public reports. The procurement notice was posted on the State Procurement Office's Procurement Notice website with a deadline date of today, May 7, 2008. As of May 6, 2008 approximately a dozen applications were received. Staff is looking into increasing the number of condominium consultants from the current 7 to 12 consultants and a list of alternates.

Program of Work:

Government and Legislative Participation & Report

Report deferred to the May Commission meeting.

Legislative Acts and Resolutions

Report deferred to the May Commission meeting.

Interactive Participation with Organizations

Vice Chair Suiso submitted and distributed his written report on his attendance and participation at the Community Associations Institute's 57th National Conference and Expo which he attended April 29 through May 3, 2008. He further provided a verbal summary of his report.

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: No report presented.

Next Meeting: Tuesday, June 10, 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, Chair Chee adjourned the meeting at 10:30 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

May 12, 2008

Date

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