

**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: September 10, 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  
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, 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  
Shari Wong, Deputy Attorney General  
Tammy Norton, Recording Secretary

Others: Marsha Shimizu, Hawaii Association of Realtors

Absent: none

Call to Order: Chair Chee called the meeting to order at 9:52 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
  - c. Ad Hoc Committee on Condominium Education and Research\
5. CPR Registration and Developer's Public Reports
  - a. Condominium Projects and Developer's Public Reports
    - 5) Request for Informal Non Binding Interpretation – Request of Michelle M. Shin, Esq., Damon Key Leong Kupchak Hastert dated August 27, 2008 – HRS §514A-3, §514B-3 - definition of "developer," §514A-31, §514A-41 "Supplementary Public Report"

Minutes:

Upon a motion by Commissioner Nishihara, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to accept the minutes of the August 13, 2008 Condominium Review Committee meeting as circulated.

Condominium  
Governance and  
Management:

#### **Mediation & Arbitration**

Specialist Stone reported that with the enactment of Act 205 this past legislative session and amendments made to the mediation provisions in Chapters 514A and 514B, HRS, revisions to the Mediation Training Handbook, created and utilized by the Mediation Center of the Pacific in training prospective mediators, should be made to reflect these amendments. Staff will provide that information to the Mediation Center of the Pacific.

#### **AOAO Registrations**

Specialist Stone reported that as of August 31, 2008, 1,612 AOAOs have successfully registered.

#### **Ad Hoc Committee on Condominium Education and Research**

Vice Chair Suiso reported that he and Specialists Yee and Stone met with the selected vendor, Ekimoto and Morris, LLLC, regarding the re-writing of two of the Commission's brochures. Mr. Richard Ekimoto provided the Commission with his proposed timeline and will also provide suggestions on an effective distribution system. Ekimoto and Morris also provided the Commission with a sample letter to be placed on the Commission's website and mailed out to condominium community stakeholders soliciting written comments, recommendations and suggestions on the re-writing of the 1991 brochures entitled "Condominium Owners Rights and Responsibilities" and "Condominium Board Members Powers and Duties."

**Condominium Seminars and Symposium – “Covenant Enforcement, Condo Court, & Proposed Changes to the ADA”, August 21, 2008 – Evaluation**

A copy of staff's evaluation forms were distributed for information. Discussion followed relating to the evaluations.

**Condominium Related Articles**

The following articles from the August 2008 issue of *Community Association Management Insider* were distributed for informational purposes: “Seven Rules for Dealing with Members Service Animals” and “Responsibilities When Appliances Cause Flooding in Condos.”

Condominium  
 Project  
 Registration:

**Condominium Project Registration - Public Reports Issued**

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

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	TOTAL	REPORT DATE
6644	1007 & 1009 13TH AVENUE	1007 & 1009 13TH AVE HONOLULU HI 96816	132042003	2	B REPT 8/28/2008
6652	1510 LIHOLIHO	1510 LIHOLIHO ST HONOLULU HI 96822	124020044	27	B REPT 8/20/2008
6661	1770-B/1770-C CALIFORNIA AVE ESTATES	1770-B & 1770-C CALIFORNIA AVE WAHIAWA HI 96786	175004005	2	B REPT 8/18/2008
5224	2026 NINTH AVENUE	2026 NINTH AVE HONOLULU HI 96816	134001036	4	SUPPL 8/8/2008
6619	2500 AHA AINA	2500 AHA AINA PL HONOLULU HI 96821	135064050	2	B AMD 8/29/2008
6638	4115 & 4117 PUUMALU PLACE	4115 & 4117 PUUMALU PLACE HONOLULU HI 96816	133020027	2	B REPT 8/8/2008
3287	54-269 KAMEHAMEHA HIGHWAY	54-269 KAMEHAMEHA HWY HAUULA HI 96717	154011006	9	SUPPL 2 8/14/2008
6649	6455 PUUPILO ROAD	6455 PUUPILO RD KAPAA HI 96746	442022062	2	B REPT 8/22/2008
6635	827 AND 829 11TH AVENUE	827 & 829 11TH AVE HONOLULU HI 96816	132022075	2	B REPT 8/8/2008
6647	BALI HAI VILLAS PHASE XIV	4970 PEPELANI LP PRINCEVILLE HI 96722	454005036	12	B REPT 8/8/2008
5715	BEACH VILLAS AT KO OLINA	92-102 WAILII PL KAPOLEI HI 96707	191057009	253	SUPPL 4 8/28/2008
6645	CYPRESS SFERS CONDOMINIUM	108 CYPRESS AVE & 205 OLIVE AVE WAHIAWA HI 96786	173002009	2	B REPT 8/22/2008
6319	GOLDENPOND LOT 9	5814 WAIPOULI RD KAPAA HI 96746	444003160	2	B REPT 8/14/2008
6323	HALE HULU ESTATES	1746 HULU RD KAPAA HI 96746	446004042	2	B AMD 8/6/2008
6551	HALI'IPUA VILLAS	HALIIPUA PL KONA HI 96740	372029028	12	B AMD 8/20/2008
6641	HANAIEI GARDEN FARMS CONDO	5219 HANAIEI PLANTATION RD HANAIEI HI 96714	454004010	2	B REPT 8/27/2008
6611	HAWEA MAUKA	PAI ST KOLOA HI 96756	423002112	2	B REPT 8/14/2008
6600	INIA STREET ESTATES	1317 INIA ST KAPAA HI 96746	445008020	3	B REPT 8/22/2008
6658	KALAEPOHAKU PLACE	1503 & 1505 KALAEPOHAKU PL HONOLULU HI 96816	133061093	2	B REPT 8/28/2008
5773	KEEAUMOKU HALE	1440 KEEAUMOKU ST HONOLULU HI 96822	124021020	5	SUPPL 3 8/20/2008
6609	KOKEANU ESTATES	6929 KOKEANU PL KAPAA HI 96746	442014009	2	B REPT 8/8/2008
6174	KOLOA LANDING AT POIPU BEACH - PH I	2641 POIPU RD KOLOA HI 96756	428015025	86	B AMD 3 8/21/2008

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6616	KOLOA LANDING AT POIPU BEACH - PH II	2641 POIPU RD KOLOA HI 96756	428015025	243	B REPT	8/21/2008
6633	LOT 21 PHASE IV CONDOMINIUM	10 PUA NIU WAY LAHAINA HI 96761	247009035	2	B REPT	8/8/2008
6655	LOT 9 AKULIKULI SPRINGS	KAHUNA RD KAPAA HI	446004058	2	B REPT	8/20/2008
6038	MAKA U'I ESTATES	6180 KAWAIHAU RD KAPAA HI 96746	446032015	2	SUPPL	8/19/2008
6344	MAKILA MANOR	130 PUNEKEA LP LAHAINA HI 96761	247011013	2	B AMD	8/8/2008
6636	MAUKA RIDGE ESTATE	4528 UKALI ST HONOLULU HI 96818	199050048	2	B REPT	8/14/2008
6637	MIKALEMI ESTATES	99-147 A,B,F & I MIKALEMI ST AIEA HI 96701	199041037	5	B REPT	8/14/2008
6221	MONTALVO-REED	1324 W KUIAHA RD HAIKU HI 96708	227012227	2	B REPT	8/1/2008
6510	NOHONA AT KAPOLEI - PHASE I	KAIU AVE KAPOLEI HI 96707	191016059	60	B AMD 2	8/18/2008
6498	OMAO RANCH LANDS	2-3990-B KAUMUALII HWY OMAO HI 96756	427003005	12	B AMD	8/29/2008
6386	OPAEEKAA ESTATE	6490 OPAEEKAA RD KAPAA HI 96746	442006015	2	B AMD	8/8/2008
6472	VANGUARD LOFTS THE	720 KAPIOLANI BLVD HONOLULU HI 96813	121044035	37	B AMD	8/8/2008
0	<b>Preliminary Reports</b>					
0	<b>Contingent Final Reports</b>					
0	<b>Final Reports</b>					
5	<b>Supplementary Reports</b>					
20	<b>B Reports</b>					
9	<b>B Amendment Reports</b>					
34	<b>TOTAL REPORTS</b>					

**Request for Informal Non Binding Interpretation – Request of Michelle M. Shin, Esq., Damon Key Leong Kupchak Hastert dated August 27, 2008 – HRS §514A-3, §514B-3 - definition of “developer,” §514A-31, §514A-41 “Supplementary Public Report”**

Executive Session: Upon a motion by Commissioner Ball, seconded by Commissioner Abrams, 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.”

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

The committee reviewed the historical information staff found on the topic of "developer."

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Abrams, it was voted on and unanimously carried to issue an informal non-binding interpretation that in this particular circumstance as outlined in the letter from Damon Key Leong Kupchak Hastert dated August 27, 2008 the committee finds that the client is not a developer under Chapter 514A, the facts indicating more of a "resale" situation.

Program of Work: **Legislative Acts and Resolutions – Proposed Legislation – One Education Fund – Condominium Education Trust Fund**

Specialist Yee reported that the State Auditor noted in the 2008 Sunrise Report on the Condominium Commission that there are currently two education funds, one under Chapter 514A, Condominium Management Education Fund (CMEF), and one under Chapter 514B, Condominium Education Trust Fund (CETF). The administration may be proposing legislation to have only one fund entitled the "Condominium Education Trust Fund," transfer all CMEF funds into the CETF, and correct all references in Chapter 514A regarding the title of the fund.

Discussion about the pro's and con's followed.

**Neighbor Island Outreach**

The next neighbor island outreach will be held in Hilo on November 12, 2008.

**Condominium Specialist Office for the Day - Report**

Specialist Leong submitted her written report on the August 13, 2008 Condominium Specialist Office for the Day held in Lihue, Kauai in conjunction with the Neighbor Island Outreach committee meetings. Specialist Leong provided a summary of her report and indicated that those attending the Specialist Office for the Day were developer's attorneys.

A previous Outreach report recommended that two condominium specialists attend the session. One assisted the CRC Chair and the other held the Condominium Specialist Office for the Day; the set up appeared to be beneficial in that time was used more efficiently. The individuals who sought the assistance of the Condominium Specialist did not have to wait until the meeting was completed or be interrupted so that the Condominium Specialist could assist in conduct of the meeting.

Specialist Yee agreed that the utilization of two condominium specialists at these meetings is beneficial.

The committee agreed to carry forward with two condominium specialists attending the joint neighbor island outreach and specialist office for the day program.

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 Nishihara, seconded by Commissioner Abrams, it was moved to accept the Condominium Education Fund Financial Report for the period ending June 30, 2008.

Discussion followed with Commissioner Kuriyama noting that several line expenditures for both the Condominium Education Fund and Real Estate Education Fund budgets exceeded the budget or is under estimated.

Real Estate Specialist Grupen responded that while staff does its best to estimate potential fiscal year expenditures based on anticipated need, including reviewing past fiscal years, department policies and requirements can impact actual expenditures

The vote was called for. The vote was unanimously carried to accept the Condominium Education Fund Financial Report for the period ending June 30, 2008.

Next Meeting:

October 8, 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 10:17 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

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Cynthia M. L. Yee  
Senior Condominium Specialist

September 11, 2008

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Date

Minutes approved as is.

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