

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: October 8, 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
Louis Abrams, Broker / Kauai Commissioner
Carol Ball, Broker / Maui Commissioner
Stanley Kuriyama, Broker / Honolulu Commissioner
Annette Aiona, Broker / Hilo Commissioner
Frances Gendrano, Broker / Honolulu Commissioner

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: Myoung Oh, Hawaii Association of Realtors
G. Hisae Ishii-Chang, Hawaii State Bar Association

Absent: Mark Suiso, Vice Chair, Public / Honolulu Commissioner
Trudy Nishihara, Broker / Honolulu Commissioner
Michele Sunahara Loudermilk, Public / Honolulu Commissioner

Call to Order: Chair Chee called the meeting to order at 9:06 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.

Commissioners Suiso, Nishihara and Loudermilk 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 Report
 - a. Condominium Projects and Developer's Public Reports
 - 3) CPR Project – Revisions to Developer's Public Report for a Condominium Form – Spatial Units

Minutes:

Upon a motion by Commissioner Abrams, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to accept the minutes of the September 10, 2008 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

Mediation and Arbitration

Specialist Yee reported that she and Specialist Stone have been meeting with an industry group of mediation providers, property managers, and attorneys on the Condominium Dispute Resolution program. Staff member from the Office of Administrative Hearings, Regulated Industries Complaints Office and the Real Estate Branch have been invited to meet with this industry group on this issue.

Deputy Attorney General Wong inquired whether the group was looking towards outsourcing mediation.

Specialist Yee replied in the negative and noted that the group is looking at other means of mediating such as an evaluative mediation process. Owners want someone to tell them what is right and what is wrong.

Deputy Attorney General Wong questioned the involvement of DCCA.

Specialist Yee replied that the group is looking for some feedback and perspective. The group wants to be more consistent with open decisions and notes that the CDR program will be sunseting this year. The group is looking more into an evaluative mediation.

Specialist Stone noted that this would be a different program and not the same as the current Real Estate Commission subsidized mediation program. This is a pro-owner type of group that wants to facilitate more.

It was reported that staff has still not received back the signed contract from Ku'ikahi Mediation Center. Staff has been informed by Ku'ikahi that they are really busy and were having notary problems. Ku'ikahi has the ability to do mediation, but since the initial contract have not done any subsidized condominium mediations.

AOAO Registrations

Specialist Stone reported that as of September 30, 2008, 1,616 AOAOs have successfully registered.

Condominium Seminars and Symposium – "Top Traits of Boards & Managers", CAI Hawaii September 25, 2008 – Evaluation

Staff's written evaluation was submitted for informational purposes. Staff reported that the presentation delivery was good.

Condominium Related Articles

The following articles were distributed for informational purposes:

- 1) "Understanding Costs, Hazards of Electronic Document Discovery"
Community Association Management Insider September 2008
- 2) *Hawaii Community Associations* August 2008
 - a) "When Are You Not Covered By Your D&O Policy?"
 - b) "Little Known Statutes"
- 3) "Recommend Flood Insurance to Every Client" – *Wai Halana Hawaii Flood News*, Department of Land and Natural Resources Engineering Division October 2007
- 4) "Dues Blues" - *Governing* September 2008

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

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

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	TTL	RPT	DATE
6693	1274 & 1276 AUPAPAOHE STREET	1274 & 1276 AUPAPAOHE ST KAILUA HI 96734	142027098	2	B REPT	9/29/2008
6672	147 & 147A MALUNIU AVENUE	147 MALUNIU AVE KAILUA HI 96734	143052050	2	B REPT	9/2/2008
1206	1718 ANAPUNI	1718 ANAPUNI ST HONOLULU HI 96822	124023057	28	SUPPL 2	9/22/2008
6659	1770/1770-A CALIFORNIA AVE ESTATES	1770 & 1770-A CALIFORNIA AVE WAHIAWA HI 96786	175004005	2	B REPT	9/3/2008
6665	2850 & 2852 OAHU AVENUE	2850 & 2852 OAHU AVE HONOLULU HI 96822	129019036	2	B REPT	9/22/2008
6642	85-184 & 85-184A WAIANAE VALLEY ROAD	85-184 WAIANAE VALLEY RD WAIANAE HI 96792	185010046	2	B REPT	9/22/2008
6648	AKEMAMA MAUKA ESTATES	4671-A AKEMAMA RD LAWAI HI 96765	425003049	2	B REPT	9/3/2008
6391	COUNTRY CLUB VILLAGE 6	3009 ALA MAKAHALA PL HONOLULU HI 96818	111065033	515	B AMD 2	9/3/2008
6296	EGGERKING ESTATES	337 EGGERKING RD KAPAA HI 96746	441016072	2	B REPT	9/16/2008
6663	GINGER BLOSSOM	4674 B MANEHUNE RD WAIMEA HI 96796	416005071	2	B REPT	9/10/2008
5766	HALE AIKANE	LOT 220 KAPAA HI 96746	446012116	5	SUPPL	9/17/2008
6675	KA PALENA PALI KU	51-049 & 51-051 HUAMALANI ST KAAAWA HI 96744	151014039	2	B REPT	9/11/2008
6680	KAHAHANE CONDOMINIUM	15 WAI KULU PL & 478 KAI HELE KU LAHAINA HI 96761	247009032	2	B REPT	9/25/2008
6676	KANE PLACE GARDENS	67-644 & 67-644A KANE PL WAIALUA HI 96791	167011009	2	B REPT	9/11/2008
6443	KAPOLEI KAI	2176 LAUWILIWILI ST KAPOLEI HI 96707	191075008	11	B AMD	9/15/2008

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6660	KAUHALE ESTATES	99-147 C, D, E, E-1, G & H MIKALEMI AIEA HI 96701	199041035	6	B REPT	9/10/2008
6634	KIHAU GARDENS CONDOMINIUM	784 KIHAU PL HAIKU HI 96708	227009030	2	B REPT	9/22/2008
6578	KULA OHANA CONDOMINIUM THE	995 KEKAULIKE AVE KULA HI 96790	222012014	2	B REPT	9/3/2008
6575	MAKALI'I PLANTATION	2-2131-Z KAUMUALII HWY KALAHEO HI 96741	424007004	10	B REPT	9/2/2008
6673	MAKIKI GREEN COURT	1042 GREEN ST HONOLULU HI 96822	124017028	7	B REPT	9/10/2008
6690	MALIA KULANI CONDOMINIUM	68 & 70 AWAIKU ST LAHAINA HI 96761	247009060	2	B REPT	9/22/2008
6689	NU'U AINA	LIPOA PARKWAY KIHEI HI 96753	222024033	26	B REPT	9/22/2008
6651	OLOHENA 142-H	OLOHENA RD KAPAA HI	444010035	2	B REPT	9/19/2008
6650	OLOHENA 142-J	OLOHENA RD KAPAA HI	444010034	2	B REPT	9/19/2008
6674	S & F DOMINGO CONDOMINIUM	1412 B, C, D & E GULICK AVE HONOLULU HI 96819	113015019	4	B REPT	9/16/2008
6536	UPCOUNTRY HEALTH CENTER	24 & 28 KIOPAA ST PUKALANI HI 96768	223066028	8	B REPT	9/3/2008
6654	VILLA DELMONTE MOOMUKU	290,292,294 & 296 MOOMUKU PL HONOLULU HI 96821	138008054	4	B REPT	9/25/2008
5408	WAIPOULI BEACH RESORT (PHASE I)	4-818 KUHIO HWY KAPAA HI 96746	443008001	29	SUPPL 3	9/29/2008
5409	WAIPOULI BEACH RESORT (PHASE II)	4-818 KUHIO HWY KAPAA HI 96746	443008001	16	SUPPL 3	9/22/2008
0	Preliminary Reports					
0	Contingent Final Reports					
0	Final Reports					
4	Supplementary Reports					
23	B Reports					
2	B Amendment Reports					
29	TOTAL REPORTS					

CPR Project – Revisions to Developer's Public Report for a Condominium Form – Spatial Units

Specialist Yee reported that staff has received a number of inquiries and questions from developers' attorneys regarding the application of paragraphs 5.6, 5.6.1 and 5.6.2 to the sale of "spatial units." The revisions clarify for spatial unit developers that those sections are generally inapplicable to the sale of spatial units.

Deputy Attorney General Wong noted that this additional information could be addressed by the condominium consultants during their review of the project, so long as the condominium consultants are all provided with the same information.

Chair Chee noted that the revised information informs the reader without the reader having to question either the Commission staff or the condominium consultants about the issue.

Upon a motion by Commissioner Abrams, seconded by Commissioner Kuriyama, it was voted on and unanimously carried to approve the amendments to the Commission's prescribed "Developer's Public Report For A Condominium" form.

Consultants

It was reported that staff is working with the new condominium consultants. To date staff has received back three of the five consultants' first review. Staff is

reviewing the reviews of the new condominium consultants to inspect whether the services for which the Commission has contracted for are being delivered. Staff will also randomly conduct reviews of the senior condominium consultants for the same purposes.

Program of Work: **Neighbor Island Outreach & Condominium Specialist Office For the Day**

It was reported that the next neighbor island outreach meetings and specialists' office for the day will be held in Hilo at the Imiloa Astronomy Center of Hawaii on November 12, 2008.

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: November 12, 2008
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.
Imiloa Astronomy Center of Hawaii
600 Imiloa Place
Hilo, Hawaii

Adjournment: With no further business to discuss, Chair Chee adjourned the meeting at 9:32 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

October 17, 2008

Date

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