

**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 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  
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  
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: Marsha Shimizu, Hawaii Association of Realtors

Absent: Kathleen Kagawa, Vice Chair, Broker / Honolulu Commissioner  
Vern Yamanaka, Broker / Hilo Commissioner  
Carol Mae Ball, Broker / Maui Commissioner

Call to Order: Chair Imanaka called the meeting to order at 10:35 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 Abrams, seconded by Commissioner Ohama, it was voted on and unanimously carried to accept the minutes of the January 12, 2005 Condominium Review Committee meeting as circulated.

Condominium  
Governance and  
Management:

### **AOAO Registrations**

Specialist Grupen reported that as of January 31, 2005, 1,495 AOAOs have successfully registered.

Upon a motion by Commissioner Abrams, seconded by Commissioner Ohama, it was voted on and unanimously carried to recommend approval to ratify issuance of effective registration dates for Association of Apartment Owners through January 31, 2005 for the 2003-2005 registration. The associations are as follows:

515 Liholiho Street      1/3/2005      Kauhikoa Hale      1/11/2005

### **Mediation & Arbitration – Franklin Lacy Letter of December 6, 2004, Arbitration Issue**

A copy of the response letter sent to Mr. Lacy per the direction of the committee at the January committee meeting was distributed for informational purposes.

### **Condominium Seminars and Symposium – Evaluation "Covenant Enforcement" Seminar**

Commissioner Okawa reported that she, along with Condominium Specialists Grupen and Leong, monitored CAI Hawaii Chapter's seminar "Covenant Enforcement." The seminar was well attended and included a review of unsettled current case law.

### **Case Law Review Program**

The following articles were distributed for informational purposes: "Trial Required on Jewish Members' Harassment Claims," "Banning Children Under 18 from Pool Violates Fair Housing Law," "Annual Index," (Community Association Management Insider – January 2005); and "Association Entitled to Relief When Residents Lack Building Approval" (Community Association Law Reporter – January 2005)

### **Condominium Related Articles**

The following articles were distributed for informational purposes: "Who's Responsible for Stream Maintenance," "Seller's Disclosure," (Hawaii Flood Management News – January 2005); "Condo Disputes: When Talking It Out Is Better" (Hawaii Community Associations (December 2004); and "Banking Alternatives (Smart Money).

Condominium  
Project  
Registration:

### **Condominium Project Registration - Public Reports Issued**

Commissioner Loudermilk recused herself from discussion and voting on CPR Number 5552. Upon a motion by Commissioner Okawa, seconded by Commissioner Ohama, it was voted on and carried to recommend approval to ratify issuance of effective dates for developer's public reports for the month of January 2005 as follows:

Proj No	Project Name	Project Address	TMK #	Report	Date
5571	1526 PALOLO	1526 PALOLO AVE HONOLULU HI 96816	(1)3-03-046:051	Final	01/25/05
5540	340 & 344 LOWER KIMO DRIVE CONDO	340 LWR KIMO DR KULA HI 96790	(2)2-03-015:028	Final	01/28/05
5514	4222 KAANA STREET CONDOMINIUM	4222 KAANA ST LIHUE HI 96766	(4)3-06-018:058	Final	01/26/05

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5548	641 10TH AVENUE	641 10TH AVE HONOLULU HI 96816	(1)3-02-028:030	Final	01/19/05
5480	94-309 WAIKELE ROAD	94-309 WAIKELE RD WAIPAHU HI 96797	(1)9-04-029:002	Final	01/28/05
4999	AINA ALOHA	1111 & 1121 PUUOPAE RD KAPAA HI 96746	(4)4-04-009:001	Final	01/26/05
5552	AINA-NALU	660 WAINEE STREET LAHAINA HI 96761	(2)4-06-011:008	Final	01/10/05
5532	ALA MOANA VACATION RESORT	410 ATKINSON DR HONOLULU HI 96814	(1)2-03-038:002	Prelim	01/27/05
5535	ALALOKE PLACE CONDOMINIUM	3575 ALALOKE PL LAWAI HI	(4)2-05-011:001	Final	01/18/05
5191	CLARK HUI CONDOMINIUM PROJECT	LOT 14 KEOHOLE SUBDIV N KONA HI	(3)7-03-003:056	Suppl 1	01/12/05
5558	HALEKOU HALE	45-531A HALEKOU RD KANEHOE HI 96744	(1)4-05-036:086	Final	01/11/05
5380	HAVENS OF I'I VISTAS II - PHASE VII	KO'OLANI DRIVE MILILANI HI 96789	(1)9-05-049:072	Final	01/28/05
22	ILIKAI APARTMENT BUILDING INC	1777 ALA MOANA BLVD HONOLULU HI 96815	(1)2-06-010:007	Suppl 1	01/20/05
5546	KALOALUIKI STREAMSIDE	2956,2956A, B & C KALOALUIKI HONOLULU HI 96822	(1)2-09-026:011	Cont. Final	01/07/05
5555	KANANI WAILEA	KAPILI ST KIHEI HI 96753	(2)2-01-008:112	Cont. Final	01/28/05
5539	KANI LE`A	75-5706 KALAWA KAILUA KONA HI 96740	(3)7-05-022:017	Final	01/03/05
5523	KIHILANI RANCH	LOT A WAILUA HI 96746	(4)4-02-022:027	Final	01/13/05
5496	NIHILANI AT PRINCEVILLE RESORT	4919 PEPELANI LP PRINCEVILLE HI 96722	(4)5-04-005:024	Cont. Final	01/12/05
5550	NOHONA AT MILILANI MAUKA - PH III	UKUWAI ST MILILANI HI 96789	(1)9-05-049:027	Prelim	01/19/05
5554	ONEAWA ESTATES	936 ONEAWA ST KAILUA HI 96734	(1)4-03-078:060	Final	01/14/05
5545	PELEHU ROAD	4856 PELEHU RD KAPAA HI 96746	(4)4-06-015:029	Final	01/24/05
5543	PIKAKE RANCH	41 E HUAPALA PL LAHAINA HI 96761	(2)4-07-010:050	Final	01/26/05
5561	SUNSET CONDOMINIUM	26 E WAIPUILANI RD KIHEI HI 96753	(2)3-09-046:001	Final	01/27/05
5520	THE HOTEL HANA-MAUI CONDO	5031 HANA HWY HANA HI 96713	(2)1-04-004:022	Prelim	01/05/05

Preliminary Reports: 3  
 Contingent Final Reports: 3  
 Final Reports: 16  
 Supplementary Reports: 2

Total: 24

### Owner-Occupant No Action Request – Tricia Malanka

Upon a motion by Commissioner Abrams, seconded by Commissioner Ohama, it was voted on and unanimously carried that based on Tricia Malanka's letter of January 13, 2005 including the attachment of a letter from the State of California, Office of the Adjunct General dated 15 September 2004 ordering Mark G. Malanka to active duty as a member of his Reserve Component reporting to Fort Lewis , WA 98433 for deployment ISO Opn Enduring Freedom not to exceed 545 days from October 10, 2004; recommend approval to issue an informal non-binding opinion that the circumstances described by Tricia Malanka in her letter appears to fall within §514A-107(b)(2), "Unforeseeable job or military transfer," and further recommend approval to issue a no action letter.

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

Chair Imanaka acknowledged and noted his appreciation for the support of the Hawaii Chapter of the Community Associations Institute in the Commission's recodification efforts. CAI Hawaii issued out a "Recodification Alert: Your Help is Needed" flyer to its membership.

Chair Imanaka acknowledged receipt of the Federal Trade Commission's letter declining to analyze Section -149, Act 164, SLH 2004 in regard to its legality under federal law as requested by the Commission.

Chair Imanaka informed the committee that the recodification bill, House Bill 781 has been heard and has moved out of committee. The companion bill, SB 1132 will be heard on Friday, February 11 at 9 a.m. Chair Imanaka further thanked Commissioner Okawa for representing the Commission and presenting its testimony on House Bill 781.

**Interactive Participation with Organizations – CAI National Conference**

Upon a motion by Commissioner Okawa, seconded by Commissioner Ohama, it was voted on and unanimously carried to recommend approval to send three participants or such other approved numbers to CAI's 54<sup>th</sup> National Conference and Exposition, May 19-21, 2005, Tucson, Arizona, subject to the budgetary constraints and availability of funds; and further subject to receipt of the required approvals.

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.

CMEF Budget & Finance Report: No report presented.

Next Meeting: March 9, 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 10:41 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

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Cynthia M. L. Yee  
Senior Condominium Specialist

March 9, 2005

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Date

Minutes approved as is.  
 Minutes approved with changes; see minutes of \_\_\_\_\_