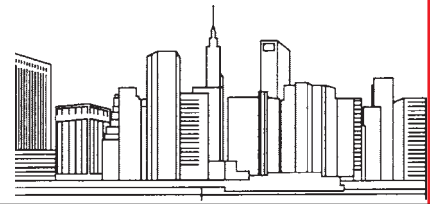
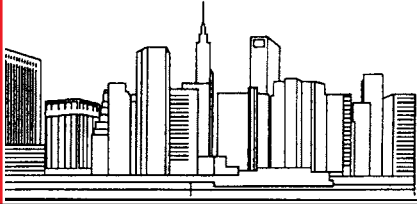


# HAWAII CONDOMINIUM BULLETIN



VOLUME 12, NO. 1

JUNE 2004

Funded through the Condominium Education Fund

## Here's What's Happening with Recodification

### What happened to the recodification bill this session?

After considering the recommendations of the Real Estate Commission and the testimony of many stakeholders, the 2004 Legislature passed Parts I (General Provisions), II (Applicability), and VI (Management of Condominiums) of the recodification bill/SB 2210.

Parts III (Creation, Alteration, and Termination of Condominiums), IV (Registration and Administration of Condominiums), and V (Protection of Condominium Purchasers) were reserved for further consideration during the legislative interim and next session.

*See Recodification on pg.6*

## Kathleen Kagawa Appointed Review Committee Vice Chair

Kathleen H. Kagawa, Ph.D, Broker/Honolulu Commissioner appointed in July 2002, replaces outgoing Commissioner Peter Rice, Condominium Review Committee Vice Chair.

She will assist Mitchell Imanaka, Esq., Chair of the Condominium Review Committee.

Ms. Kagawa is from Honolulu and is the President and Principal Broker of Hawaii 5-0 Properties, Inc. She is involved in numerous business enterprises and has traveled extensively in Asia, Europe, and the mainland United States. Ms. Kagawa holds a doctorate of Philosophy and Business Administration.

## Newly Enacted Laws Will Impact Hawaii's Condominium Community

The February 2004 issue of the Hawaii Condominium Bulletin provided a review of the bills being considered by the Legislature.

In April 2004, Governor Lingle signed some bills into law which impact the condominium community. The veto deadline was June 28, 2004, and the deadline for her signature is July 13, 2004.

The legislature may override the Governor's veto by two-thirds vote in each house.

The following discussion highlights some of the statutory amendments to Chapter 514A, Hawaii Revised Statutes (HRS), Condominium Property Regimes, and other related amendments.

Readers are advised to consult the full text of the Acts as this discussion is intended only to briefly summarize the

amendments and does not constitute legal advice.

The summaries are not intended to be an exhaustive list or to cover all provisions of the new laws. Interested readers may access the Legislature's website, [www.capitol.-hawaii.gov](http://www.capitol.-hawaii.gov), to read the full text of the bills or print copies of the Acts.

For specific advice as to how the provisions of the new Acts apply to a particular circumstance, readers should seek the advice of a licensed Hawaii attorney familiar with condominium law. The new Acts:

**Act 72 (SLH 2004) SB 2009 SD1 HD1** amends §514A-13, HRS, clarifies that the condominium board may lease or change the use of common elements without owners approval if acting under its authority to install, or change or abandon

the use of telecommunications equipment.

**Act 12 (SLH 2004) HB 2417** allows the Real Estate Commission to enter into a license recognition agreement with other states and jurisdictions recognized by the Association of Real Estate License Law Officials with an equivalent licens-

*See New Laws on pg. 6*

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This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at (808) 586-2644 to submit your request.

The Hawaii Condominium Bulletin is funded by the Condominium Education Fund, Real Estate Commission, Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs, State of Hawaii.



## Letter from the Chair . . .

The twenty-second State Legislature has adjourned. A few bills of interest were enacted, and some are pending the Governor's signature.

The veto deadline was June 28, 2004, and the Governor has until July 13, 2004 to sign bills to law or allow them to become law without her signature.

This issue includes a brief summary of bills that were recently passed. We await decision on the remaining bills. Since 2001, the Real Estate Commission (Commission), has worked on rewriting Hawaii's Condominium Property Act. During this legislative session the recodification final report was presented to the Legislature. "Recodifying Hawaii's Condominium Law" in this issue provides an overview of the current status of the bill.

We welcome two (2) new Commissioners, Carol Mae A. Ball and Michelle Sunahara Loudermilk. They replace outgoing Commissioners, Peter Rice (Condominium Review Committee Vice Chair) and Marshall Chinen, Esq. Commissioner Kathleen H. Kagawa Ph.D will be the new Condominium Review Vice Chair.

We sincerely thank Peter who has greatly contributed to the Commission and the Condominium Review Committee, and Marshall who served as an interim Commissioner.

May was a busy month! The Commission embarked its inaugural informational advertisement called, "Hawaii Condominium Corner" which is similar to "Ask the Condominium Specialist" presented in each Bulletin. We are hoping to reach and educate those involved in condominium living and those interested in learning more about it.

Also, in May, the Commission held its committee meetings and Condominium Specialist Office for the Day in Hilo. This was followed by a Condominium Specialist Office for the Day on Maui and Kauai.

Time to time we receive inquiries on different issues. As we find articles of interest or assistance, we like to share them with you. The reference file provides an interesting article, "How to Remove a Problem Board Member from Office by Membership Vote" from the *Community Association Management Insider* publication.

In closing, please review the Education Calendar and the Meeting schedule. Your attendance is always welcome. The Commission looks forward to your input at these meetings.

Sincerely,

*Mitchell A. Imanaka*

Mitchell A. Imanaka, Chair  
Condominium Review Committee

## Ask the Condominium Specialist

**Q** We purchased what looks like a three (3) bedroom two (2) bath single family residential home. To our surprise, we have been told that we purchased a condominium. What is a condominium?

**A** A condominium is not defined by any physical structure. Condominiums come in many forms and encompass a variety of uses as may be permitted by zoning regulations. Some of the allowable uses by zoning include: residential, commercial, industrial and agricultural.

A condominium is a form of ownership of real property regardless of the architectural style of the apartment, be it in a high-rise, townhouse or detached unit.

Condominium ownership is described as ownership of an apartment (or unit) and a percentage of undivided interest in the common elements. The apartment owner is entitled to exclusive ownership of the apartment but the land is a common element, owned jointly in common with other apartment owners in the condominium project.

Examples of other traditional common elements are lobbies, hallways, roofs and roadways.

Yard areas or parking spaces which are provided for an apartment's exclusive use (versus ownership) are usually identified as limited common elements.

The administration, management and operation of the condominium project are handled by an Association of Apartment Owners via a board of directors. The directors carry out their responsibilities as fiduciaries and accordingly make decisions for the best interest of the whole condominium community.

The creation, administration and management of condominiums (some provisions) are governed by Chapter 514A of the Hawaii Revised Statutes (HRS).

**Q** We are at an impasse with our Board of Directors as to whose responsibility is it to repair a broken water pipe that has caused our toilet to overflow and caused water to leak into the condominium unit below. What are some things we can do in this situation?

**A** Usually, a condominium's governing documents (its declaration, bylaws, house rules) would provide answers or guidance in this area.

A review of those documents might be helpful. Given that you and the board are at an impasse on the responsibility for the repair, however, consider having a neutral third party such as a trained mediator assist with resolving the issue.

Pursuant to the condominium law (Chapter 514A, HRS) when a condominium owner or the board of directors requests mediation of a dispute involving the interpretation or enforcement of the association of apartment owners' declaration, bylaws, or house rules, or involving certain sections of the condominium law, the other party is required to mediate.

For condominium projects whose associations are registered with the Commission, the Condominium Management Education Fund subsidizes the costs of mediation. For these condominium owners then, the cost of mediation is almost free. Visit our website at <http://www.hawaii.gov/hirec> for the names and numbers of mediation services which have contracts with the Real Estate Commission to provide CMEF subsidized mediation.

Other courses of action include review of the association's and homeowners' insurance policies, arbitrating the issue, and seeking the advice of a licensed attorney familiar with Hawaii's condominium law.

# How to Remove Problem Board Member from Office by Membership Vote

It's never pleasant to see a board member fail to live up to the responsibilities for which he was elected. But leaving an ineffective, hostile, or dishonest person on the board isn't good for the community. And it isn't necessary.

How can a problem board member be removed from office? Though there are other ways, the most common way is by membership vote (see box on page 5 for other ways to remove a board member.)

It's important for managers and other board members to know how this removal process works because if the association members decide to seek the removal of a board member from office, it will be up to the manager and other board members to implement the process in accordance with the association's bylaws.

To help you avoid a costly mistake, we'll give you five steps to take to remove a board member by membership vote. And we'll give you a Model Letter that you can adapt and use to notify a problem board member that the membership is seeking to remove him (see page 4).

## Take Five Steps to Remove Board Member

The exact steps your association will take to remove a board member by membership vote—and the percentages necessary to compel a special meeting to vote on removal and win a vote—will depend on your governing documents and state law, so check with your attorney before taking any action. But in general, if your members want to remove a board member from office, here are the steps to take.

**Step #1: Check association bylaws.** Your association's bylaws will explain how to remove a board member by membership vote. Among other things, they'll say whether association members need to give a reason for wanting to remove the board member. (In most cases, they don't.) If they don't need a reason, the bylaws will say that the board member can be removed "with or without cause."

"All that usually matters is the will of the electorate," says Maryland attorney P. Michael Nagle. "Legal 'cause' is sometimes difficult to prove, and if a majority doesn't want that person representing them any more, that should be the end of it."

Another thing the bylaws should say is whether you need a special meeting to remove a board member, says Maryland and Washington, D.C., attorney Benny L. Kass. Some bylaws say a board member can be removed at either a special meeting or a regularly scheduled meeting. Because the timing of a regular meeting doesn't usually coincide with the desire to remove a board member, in practicality, it usually takes place at a special meeting called for that purpose.

**Step #2: Gather requisite signatures on removal petition.** For most associations, the next step is for the association members to draft a petition calling for a special meeting to discuss and vote on the board member's removal, says Nagle. (Sometimes, association members make the mistake of stating on the petition that the purpose of the meeting is to "discuss" removal and fail to say that it's also to vote on it, says Nagle. He has seen situations where this mistake has prevented the members from being legally authorized to hold a vote.)

The number of signatures needed will depend on what the bylaws say is needed to call a special meeting. Also, your state law may have requirements about this.

State law may have other requirements for the petition. Some state laws require the name of the board member whose removal is being sought to be included in the petition. These requirements vary from state to state.

**Step #3: Mail notice of special meeting to members.** Once the association members have gathered the necessary number of signatures on their petition, the next step is for the board to send the entire membership a notice stating that a special meeting will be held. Usually, the notice will include the time, date, and place of the meeting and explain the purpose of the meeting. In most states, only the purposes mentioned in the notice can be covered during the meeting, says Nagle. But your state laws might differ, he says.

There are often time restraints within which the board must send the notice and call the special meeting, adds Hawaii attorney Richard S. Ekimoto. For example, your bylaws might require the board to call a special meeting within 20 days of receiving the signed petition and schedule the meeting for between 35 and 90 days from when the petition was presented to the board. If the board fails to set a date for, and give the members notice of, the special meeting within the necessary time frames, the association members who initiated the petition will usually be authorized by the bylaws to call the meeting on their own.

**Insider Says:** Before calling the special meeting, the board should verify the petition, says Nagle. This includes making sure the signatures on the petition are those of current members and that there aren't any duplicate signatures or forgeries, he says.

**Step #4: Send letter to board member whose removal is being sought.** Next, the board should send a letter to the board member whose removal is being sought to notify him that a special meeting is being called to discuss and vote on his removal, says Kass. Even though, as a member of the community, he'll most likely be getting a copy of the community-wide notice, it's a good idea to send a separate letter directly to that board member, according to Kass. Your letter, like our Model Letter, should tell the board member:

- That the association has received a petition from the membership to hold a special meeting for the purpose of removing him from the board of directors;
- Where and when the meeting will be held;
- That the board member will have an opportunity to defend himself at the meeting; and;
- The reasons his removal is being sought.

Also, if the accusations against the board member have been written down, he should get a copy of those

## How to Remove a Board Member, continued from pg. 3

accusations, Kass adds. This is important because, as we'll discuss in the next section, the board member should be given an opportunity to defend himself at the special meeting.

**Step # 5: Hold special meeting to discuss and vote on removal.** The next step is to hold a special meeting to discuss and vote on the removal of the board member named in the petition. Many of the details for how the meeting should proceed will depend on how your association conducts meetings. One authority on the subject is *Robert's Rules of Order (Newly Revised, 10<sup>th</sup> Edition)*. "I always recommend that the board adopt an abbreviated version of *Robert's Rules* as the official guideline for association meetings," says Nagle. Another option is to hire an independent parliamentarian to run the meeting, something Kass often recommends, especially when the meeting is expected to be contentious.

In general, the meeting should proceed as follows:

- Someone must make, and someone else must second, a motion to remove the director.
- If the board member whose removal is being sought is chairing the meeting, he should step down from the chair. The bylaws will usually provide for a successor, but if they don't, Kass recommends allowing the vice president to chair the meeting. Other options are the association attorney, manager, or an independent parliamentarian. (The chair steps down only for the subject of his removal. If that motion is defeated and there is any other business to conduct, he can proceed to chair the rest of the meeting, says Ekimoto.)
- Discuss the removal of the board member, giving the board member whose removal is being sought an opportunity to defend himself. "We normally suggest that the board member whose removal is being sought be allowed to speak second; the person who makes the motion speaks first and last," says Ekimoto. "Also, we let the board member whose removal is being sought respond to accusations by the members at appropriate times," he adds. Under *Robert's Rules*, the chair is supposed to alternate between those speaking in favor and those speaking against the motion, he adds.
- The association members should vote on the motion. Usually this will be by secret, written ballot, but your governing documents and state law might provide otherwise.
- Count the vote and announce the results. Some states' laws require a two-thirds vote to remove a board member. If your association is in one of these states, these laws take precedence over the voting requirements set in your bylaws. Also, there may be special rules that apply if your bylaws require cumulative voting for board members. Check with your attorney about this.
- If the motion to remove the board member passes, select a replacement. Most of the time, the association members will vote for a replacement, says Nagle. Sometimes, the bylaws allow the board to select the replacement. Depending on state law and the governing documents, a member vote for the replacement board member might be conducted immediately or at a future meeting. In Hawaii, state law requires the election to be held during the same meeting, says Ekimoto.

- If the board member who's removed from office also serves as an officer on the board, he should usually be removed from that office too.

### INSIDER SOURCES

**Richard S. Ekimoto, Esq.:** Partner, Elisha Ekimoto & Harada, 1132 Bishop St., Ste. 902, Honolulu, HI 96813-2830; (808) 599-7236; rse@eeh.com

**Benny L. Kass, Esq.:** Partner, Kass, Mitek & Kass, PLLC, 1050 17th St. NW, Ste. 1100, Washington, DC 20036-5503; (202) 659-6500; bkass@kmlawyers.com.

**P. Michael Nagle, Esq.:** Partner, Nagle & Zaller, PC, 10320 Little Patuxent Pkwy., Ste. 1200, Columbia, MD 21044-3313; (301) 621-6500; Michael@naglezaller.com

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## MODEL LETTER

### Advise Challenged Board Member of Removal Petition

Here's a Model Letter, drafted with the help of Maryland and Washington, D.C., attorney Benny L. Kass, that tells a board member that the association has received a petition from the membership to hold a special meeting for the purpose of removing him from the board of directors. The letter also tells him where and when the meeting will be held, and that he'll have an opportunity to defend himself at the meeting. Finally, for those associations whose members include on their petition their reasons for seeking the board member's removal, the letter provides space to include the reasons. Speak with your attorney before adapting this letter for use at your community.

[Insert date]

Dear [insert board member's name]

The Board of Directors of Shady Acres Community Association has received a petition to hold a special meeting for the sole purpose of discussing and voting on your removal from the Board of Directors. Our legal counsel has determined that the petition is valid and contains the requisite number of signatures, thereby requiring that the Board hold that special meeting.

The meeting will be held on [insert day and date], in [insert location], starting at [insert time]. The only purpose of this special meeting will be to give the members of our association the opportunity to discuss and vote on whether to remove you from the Board of Directors.

Our bylaws provide that you be given an opportunity to defend yourself. Accordingly, we have allotted thirty (30) minutes for the proponents to present their case, and thirty (30) minutes for you to defend your position, should you desire to do so. You have the right to be represented by counsel of your choice, at your expense.

[Optional: Use where petition states reasons for removal: The specific reasons for which the membership is seeking your removal have been provided in the petition, and they are as follows: [insert reasons]:

If you have any questions, please contact me or our legal counsel.

Yours truly,  
Board President



### Other Ways to Remove a Problem Board Member from Office

#### 1. By Vote of Other Board Members

Sometimes a board member can be removed by a vote of the other board members. But this is usually only possible in certain well-defined situations, explains Hawaii attorney Richard S. Ekimoto. For example, many associations' bylaws provide that if a board member becomes delinquent in the payment of his assessments, the other board members can vote him off the board. Other associations' bylaws allow a board vote to remove a board member if he misses three board meetings in a row. The reasons for which a board member can be voted off the board by his fellow board members vary depending on your governing documents.

Although it's the association members who vote board members into office, Ekimoto thinks allowing the board to remove a fellow board member has merit in limited circumstances. "Removal by the members is usually expensive," he reasons. "If someone isn't coming to meetings or paying his assessments, the board should be able to remove him."

#### 2. By Court Order

Sometimes a board member can be removed by court order. But in many states this is only an option if the board member has engaged in some sort of seriously improper conduct, such as fraud or gross abuse of authority, explains Ekimoto. Getting a court order to remove a board member might require the members to sign a petition in support of it, he says.

## Statistics Point Up Trend in Mediation Services

Section 514A-131, Hawaii Revised Statutes (HRS), requires the Real Estate Commission (Commission) to establish a condominium management education fund that may be used for educational purposes.

Each condominium project or association of apartment owners (AOAO) with six (6) or more apartments is required to pay to the Department of Commerce and Consumer Affairs the condominium education fund fee on or before June 30 of an odd-numbered year or within thirty days of the purchase of the first apartment.

This fund subsidizes mediation services for condominium disputes involving the interpretation or enforcement of the AOAO's declaration, bylaws, house rules, or specific sections listed under §514A-121.5, HRS. More detailed information about mediation is provided in a publication entitled, "Mediation of Condominium Disputes" available at the Commission's web site at [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec).

The following statistics show the numbers for fiscal periods of 2002, 2003 and current 2004 fiscal period (includes all islands).

	2002	2003	2004
Resolved	9	21	6
Unresolved	7	12	7
Declined	9	9	5
Total	25	42	18

The reasons given for unresolved cases included one (1) party withdrawing, no agreement, failure to provide contact information for the second party, no agreement on the mediation date, and failure to contact mediator.

## Real Estate Commission Meeting Schedule

**Laws & Rules Review Committee—9 a.m.**  
**Education Review Committee—Upon adjournment of the Laws and Rules review Committee meeting**  
**Condominium Review Committee—Upon adjournment of the Education Review Committee Meeting**

Wednesday, July 14, 2004  
Wednesday, August 11, 2004  
Wednesday, September 8, 2004  
Wednesday, October 13, 2004

**Real Estate Commission—9 a.m.**

Friday, July 30, 2004  
Tuesday, August 31, 2004  
Friday, September 24, 2004  
Friday, October 29, 2004

All meetings except the September 8, 2004 Committee meetings will be held in the Queen Liliuokalani Conference Room, King Kalakaua Building, 335 Merchant Street, First Floor, Honolulu. The September 8, 2004 Committee meetings will be held in Conference Rooms A, B, and C of the State Office Building, located at 3060 Eiwa Street, Lihue, Kauai.

Meeting dates, locations, and times are subject to change without notice. Please visit the Commission's website at [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec) or call the Real Estate Commission's office at 586-2643 to confirm the dates, times, and locations of the meetings.

## ***New Laws from pg. 1***

ing law as determined by the Commission.

**The following bills await the governor's signature:**

**HB 2773** Allows licensed amateur radio operators living in condominium property regimes to install antennas on their apartment units.

**SB 2704** Requires disclosure of any release or waiver of liability for a construction defect.

**SB 2210/HB 1817** – Recodification bill (see “Recodifying Hawaii’s Condominium Law.”)

## ***Recodification from pg. 1***

The Legislature also requested that the Commission develop recommendations for reintegrating HRS 514A Part VI (Sales to Owner-Occupants) into the new condominium law.

**Where can I get more information on the recodification?**

The Commission’s final draft of the proposed recodification, with commentary on the proposed law and much more, is included in the Commission’s *Final Report to the Legislature*, dated December 31, 2003. The report is available on the Commission’s website at: <http://www.hawaii.gov/hirec>.

## **‘Hawaii Condominium Corner’ Hits the Press**

On May 23, 2004, the Honolulu Advertiser featured the first condominium informational advertisement by the Real Estate Commission, called “**Hawaii Condominium Corner**.” It provides a question and answer discussion very much like “Ask the Condominium Specialist” found in this Bulletin.

The Hawaii Condominium Corner is a source of information for Hawaii’s condominium owners including would-be condominium owners, condominium associations, boards of directors, managing agents, real estate licensees, condominium developers and others involved in the management, operation, governance, sale and purchase of condominiums.

Condominium owners whose associations are registered with the Hawaii State Real Estate Commission and developers of condominium projects that are registered with the Commission contribute to a Condominium Management Education Fund (CMEF).

The Fund pays for this column and other educational offerings and products, including pamphlets, board of directors’ guides, seminars, condominium bulletins and outreach education. The informational advertisements have been featured in the *Honolulu Advertiser’s* front section and “Island Living.”

*Hawaii Tribune-Herald, West Hawaii Today, The Maui News, and The Garden Island.* Some of the same question and answers are featured in this issue of “Ask the Condominium Specialist.”

## **Creating a Condominium Project**

A condominium is a special form of ownership of real property regardless of the architectural style of the apartment, high-rise, townhouse, or detached unit. Condominium ownership is an ownership of an apartment (or unit) and a percentage of undivided interest in the common elements (e.g. land, lobbies, hallways, roofs and roadways). The project must contain two (2) or more apartments. The number and type of apartments must meet zoning requirements. The number of dwelling units is determined by the zoning district. **Neither the Real Estate Commission (Commission) nor the Counties approve or disapprove what property can become a condominium property regime (CPR).**

In the creation of a condominium project, certain requirements of the Condominium Property Act, HRS § 514A, and the county in which the project is located must be met.

A condominium project is created by recording in the Bureau of Conveyances and/or filing with the Office of the Assistant Registrar of the Land Court: the master deed or lease, the declaration of Condominium Property Regime, the condominium map, and the bylaws of the Association of Apartment Owners. **A condominium project is not created by the Commission.**

A developer offering the condominium apartments for sale must submit the required documents and fees to the Commission. **The Commission does not approve or disapprove the condominium project but reviews the developer’s proposed public report to determine whether it adequately discloses all material facts to prospective buyers based on the information and documents submitted by the developer.**

No apartment in a condominium project shall be offered for sale prior to the issuance of an effective date for the developer’s preliminary, contingent final or final public report. It is strongly recommended that the condominium documents be drafted with the advice of an attorney familiar with HRS §514A.

For further information and the application for the developer’s public report, please refer to the Commission’s website: [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec)

## **Administrative Actions**

**Lorraine G. Wilkinson – REC 2001-117-L**

On May 22, 2003, RICO filed a Petition for Disciplinary Action against Respondent Wilkinson, a real estate salesperson, for allegedly staying in a condominium unit a client had purchased and allowing others to stay in the unit for lengthy periods and run up electric bills. RICO charged Respondent with violation of HRS §467-14(8) (conduct constituting fraudulent or dishonest dealings) and HAR §16-99-3(b) (failure to protect the public against fraud, misrepresentation, or unethical practices.) The Hearings Officer also concluded that Respondent allowed another person to stay in the apartment for about two weeks without the owner’s permission and without compensation. The Hearings Officer recommended that Respondent license be revoked. The Commission approved the recommendation of the Hearings Officer on March 25, 2004.

## Hawaii Real Estate Commission Welcomes Two New Members

Carol Mae A. Ball and Michelle Sunahara Loudermilk will be joining the Real Estate Commission effective July 1, 2004.

Ms. Ball and Ms. Loudermilk will be replacing outgoing Commissioners, Peter Rice and Marshall Chinen, Esq. respectively.

Ms. Ball hails from Maui and graduated from the University of Michigan with a Bachelor's degree. She is a licensed real estate broker since 1978 and is currently the president and principal broker of Carol Ball and Associates.

Ms. Ball is also, currently, a certified prelicense instructor for the Commission. She is a member of the REALTORS' Association of Maui, the Hawaii Association of Realtors, and the National Association of Realtors.

She is also a certified real estate broker manager, a certified

residential specialist, and a graduate of the REALTOR's Institute.

Ms. Loudermilk is from Honolulu and graduated from the University of Oregon with Bachelor Arts degrees in Journalism and the Romance Languages.

She earned a Juris Doctor degree from the William S. Richardson School of Law and is currently an attorney with Cades Schutte specializing in commercial real estate transactions as well as banking and finance.

Ms. Loudermilk is a member of the American Bar Association, the Hawaii State Bar Association, and Hawaii Women Lawyers. She also is a mentor in the William S. Richardson School of Law student-attorney mentorship program.

## Mediation Case Summaries

**MCP** = Mediation Center of the Pacific, Inc.

**MSM** = Mediation Services of Maui, Inc.

**WHMC** = West Hawaii Mediation Center

**BOD** = Board of Directors

**KMC** = Ku'ikahi Mediation Center

**RICO** = Regulated Industries Complaints Office

**KEO** = Kauai Economic Opportunity, Inc.

**CMA** = Condominium Managing Agent

### Cases Handled by MCP 9/1/03 – 3/31/04

Between September 1, 2003 and March 31, 2004, there were a total of two (2) cases involving condominium disputes.

Parties	Complaint	Disposition
Owner vs. BOD	Dispute regarding late and legal fees	No Agreement
Owner vs. BOD	Dispute regarding enforcement of bylaws	Mediated

### Cases Handled by MSM 9/1/03 – 3/31/04

Between September 1, 2003 and March 31, 2004, there was a total of six (6) case involving condominium disputes.

Owner vs. BOD	Dispute regarding house rules (pets)	Closed, owner failed to follow through
Owner vs. BOD	Dispute regarding house rule enforcement	Closed, owner failed to follow through
Owner vs. BOD	Enforcement of bylaws and house rules regarding pets, air conditioning, and real estate activity	No agreement
Owner vs. BOD	Dispute regarding house rules	No agreement
Owner vs. BOD	Dispute regarding pets	Closed
BOD vs. Owner	Confidentiality of Executive Committee meetings	Owner declined

### Cases Handled by KEO 9/1/03 – 3/31/04

Between September 1, 2003 and March 31, 2004, there was one (1) case involving a condominium dispute.

Owner vs. BOD	Dispute regarding late maintenance payment	Mediated
Owner vs. BOD	Dispute regarding pest extermination	No response from manager

### Cases Handled by RICO 9/1/03 – 3/31/04

Between September 1, 2003 and March 31, 2004, there was one (1) case involving a condominium dispute.

Owner vs. BOD	Dispute regarding replacement carpet due to water damage	No Agreement
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(No cases reported by WHMC and KMC)

## Condominium Education Calendar 2004

This calendar lists upcoming educational events of interest to the condominium community. The publishers express **no opinion** about the quality or content of any event they do not sponsor. This listing should not be construed as an endorsement or sponsorship of any event, unless expressly indicated. Events may be subject to change; please check directly with the provider to confirm each event.

Date	Time	Event Title	Location	Provider
07/15/04	8:30-5:00	Landlord Training Program: Keeping Illegal Activity Out of Rental Property	Renaissance Wailea Beach Hotel	HAR
07/16/04	8:30-5:00	Landlord Training Program: Keeping Illegal Activity Out of Rental Property	Kauai Marriott	HAR
07/19/04	8:30-5:00	Landlord Training Program: Keeping Illegal Activity Out of Rental Property	Outrigger Waikoloa	HAR
07/20/04	8:30-5:00	Landlord Training Program: Keeping Illegal Activity Out of Rental Property	Japanese Cultural Ctr.	HAR
07/24/04	9:00-12:00	*Dealing with the Difficult Owner (or Board Member)	Hale Koa Hotel	CAI-H
08/16/04	TBA	Budgets & Reserves	Kenolio Rec Ctr (Maui)	CCM
09/16/04	TBA	*Ask the Experts	TBA	CAI-H
09/04	TBA	Rights of Homeowners	Kenolio Rec Ctr (Maui)	CCM
10/15-24	8:00-4:30	IREM RES 201 "Successful Site Mgmt"	Waikiki Trade Center	IREM
10/04	TBA	Energy & Water Tech	Kenolio Rec Ctr	CCM
10/04	TBA	*Owner Rights & Wrongs	TBA	CAI-H
10/14-15	TBA	2004 HSBA Annual Bar Convention	Waikiki Sheraton Hotel	HSBA-CLE
11/04	TBA	Landscape Program	Kenolio Rec Ctr (Maui)	CCM

*\*The seminar is partly funded by funds from the Condominium Education Fund, Real Estate Commission, Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs, State of Hawaii for condominium apartment owners whose AOA is currently registered with the Real Estate Commission.*

**Information is subject to change. For full information on the above-listed courses, please call the provider.**

	Provider	Phone	Address
CAI	Community Associations Institute (National) <a href="http://www.caionline.org">www.caionline.org</a>	(703) 548-8600	225 Reinekers Ln #300 Alexandria, VA 22314
CAI-H	Community Associations Institute - Hawaii Chapter <a href="http://www.caihawaii.org">www.caihawaii.org</a>	488-1133	P.O. Box 976 Honolulu, HI 96808
CCM	Condominium Council of Maui <a href="http://www.mauicondocouncil.com">www.mauicondocouncil.com</a>	573-4231	PO Box 1362 Kihei, HI 96753
HAR	Hawaii Association of Realtors <a href="http://www.hawaii Realtors.com">www.hawaii Realtors.com</a>	733-7060	1136 12 <sup>th</sup> Ave., Ste. 220 Honolulu, HI 96816
HCAAO	Hawaii Council of Associations of Apartment Owners	533-2528	677 Ala Moana Blvd, #401 Honolulu, HI 96813
HSAP	Hawaii State Association of Parliamentarians	839-4437	1457 Ala Aolani Street Honolulu, HI 96819
HSBA-CLE	Hawaii State Bar Association - Continuing Legal Educ. <a href="http://www.hsba.org">www.hsba.org</a>	537-1868	1132 Bishop Street, Ste 906 Honolulu, HI 96813
IREM	Institute of Real Estate Management Hawaii Chapter No. 34	733-7060	1136 12 <sup>th</sup> Ave, Ste 220 Honolulu, HI 96816
ARM	Accredited Residential Manager	733-7060 x119	1136 12 <sup>th</sup> Ave., Ste. 220 Honolulu, HI 96816
UH-OC	Noncredit Programs, Outreach College, University of Hawaii	956-8244	2530 Dole Street Honolulu, HI 96822

Real Estate Branch and Real Estate Commission's web page at: <http://www.hawaii.gov/hirec>  
Address: 335 Merchant Street, Rm. 333; Honolulu, HI 96813; Phone: (808) 586-2643

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