

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: January 9, 2013

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

Place: REALTORS® Association of Maui, Inc.
441 Ala Makani Place
Kahului, Maui

Present: Scott Sherley, Chair, Broker / Hilo Commissioner
Bruce Faulkner, Vice Chair / Maui Commissioner
Nikki Senter, Public / Honolulu Commissioner
Frances Gendrano, Broker / Honolulu Commissioner
Walt Harvey, Broker / Honolulu Commissioner
Rowena Cobb, Broker / Kauai Commissioner
Aileen Wada, Broker / Honolulu Commissioner
Scott Arakaki, Public / Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer
Cynthia Yee, Senior Condominium Specialist
Diane Choy Fujimura, Senior Real Estate Specialist
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary

Others: Carol Ball, Carol Ball & Associates
Wayne Cobel
Tina Hoenig, TM Education Services
Mark Hoenig, TM Education Services
Kavan Saiki, Regulated Industries Complaints Office – Maui

Absent: Stanley Kuriyama, Broker / Honolulu Commissioner

Call to Order: Chair Sherley called the meeting to order at 9:40 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.

Commissioner Kuriyama was excused from the meeting. Prior notification of his non-attendance was received.

Condominium
Specialist's
Report:

Additional Distribution

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

4. Condominium Governance and Management
 - g. Case Law Review

Minutes

Upon a motion by Commissioner Faulkner, seconded by Commissioner Wada, it was voted on and unanimously carried to accept the minutes of the December 12, 2012 Condominium Review Committee meeting as circulated.

Specialist Yee announced that the Commission is holding Specialists' Office for the Day in conjunction with the meetings. Anyone wishing to meet with a condominium or real estate specialist may do so before or after the committee meetings.

Condominium
Governance and
Management:

Mediation & Arbitration

The December 2012 Hawaii Condominium Bulletin includes the most recent mediation statistics. The Bulletin can be found at the Commission's website, www.hawaii.gov/hirec.

AOUO Registrations

Specialist Yee reported that as of December 31, 2012, 1,660 AOUOs have successfully registered.

Case Law Review

The article entitled "Couple's \$4M award in condo lawsuit set aside" posted January 2, 2013 at the StarAdvertiser.com was distributed for informational purposes.

Condominium Related Articles

The following articles from the January 2013 issue of *Community Association Management Insider* were distributed for informational purposes: "HUD: Association Discriminated Against Families with Children," "Follow Five Safety Tips When Using Backup Generators After a Disaster," "Dos & Don'ts – Check Insurance Policy Before Sponsoring Athletic Event," "Recent Court Rulings - Association's Dissolution Didn't Relieve Owner from Paying Assessments," "Board Must 'Strictly Comply' with Declaration's Repair and Maintenance Obligations," and "Annual Index."

A reminder was made that the distributed articles and "Annual Index" refer to condominium laws in other states and the Hawaii State laws on the topics and

issues discussed in the articles should be researched and checked and its applicability to Hawaii's condominium issues determined.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

A list of those condominium projects issued effective dates during the month of December 2012 were distributed for informational purposes.

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNITS	REPORT	DATE
7315	1417 & 1419 ALEXANDER STREET	1417 & 1419 ALEXANDER ST HONOLULU HI 96822	128013026	2	B REPT	12/20/201
7311	3342 AND 3342A KAUHANA PLACE	3342 & 3342A KAUHANA PL HONOLULU HI 96816	134023066	2	B REPT	12/7/2012
7301	45-561 & 45-561A KEAAHALA ROAD	45-561 & 45-561A KEAAHALA RD KANEHOE HI 96744	145021028	2	B REPT	12/7/2012
7318	62-164 EMERSON	62-164, 62-170 & 62-184 EMERSON RD HALEIWA HI 96712	162012004	3	B REPT	12/3/2012
7205	85-745 LIHUE STREET	85-745 LIHUE ST WAIANAE HI 96792	185012037	3	B AMD	12/17/201
7286	HO'OMA HALE	73-1181 AHULANI ST KAILUA-KONA HI 96740	373022092	2	FINAL	12/20/201
7306	KALAHEO MOUNTAIN ESTATES	4973 PUUWAI RD KALAHEO HI 96741	424004051	2	B REPT	12/28/201
7271	LANAI CITY APARTMENTS	615 GAY ST LANAI HI 96763	249006010	24	B AMD	12/7/2012
7253	LOT 5-A-1 ESTATES	4799 LAE RD KALAHEO HI 96741	424006004	2	B REPT	12/27/201
7316	SEA VIEW ESTATES	83 LAU NIU WAY LAHAINA HI 96761	247010079	2	B REPT	12/13/201
7305	SUITES AT WAILEA THE	555 KAUKAHI ST WAILEA HI 96753	221008105	79	B REPT	12/19/201
0	Preliminary Reports					
0	Contingent Final Reports					
1	Final Reports					
0	Supplementary Reports					
8	B Reports					
2	B Amendment Reports					
11	TOTAL REPORTS					

Program of Work: **Hawaii Condominium Bulletin**

The December 2012 issue of the Hawaii Condominium Bulletin has been posted to the Commission's website at www.hawaii.gov/hirec. Additionally, the posting of the Bulletin was announced to AOUOs via an email blast to their contact persons.

Chair Sherley noted that a multitude of educational condominium information is accessible through the Commission's website.

Rulemaking, Chapter 107

Chair Sherley announced that the Commission will be looking for persons interested in serving on the blue ribbon panel to review the draft proposed Chapter 107 rules. The Commission will attempt to have the panel made up of practitioners and condominium owners from Oahu and the neighbor islands. Those interested in being considered as a panel member may send an email to the Commission at hirec@dcca.hawaii.gov.

Government and Legislative Participation Report

It was reported that the Condominium Report, made a part of the Commission's Annual Report was transmitted to the Governor and the Legislature.

Rulemaking, Chapter 53, Fees

Chapter 53 fees were hand delivered to the Governor's office for approval on December 20, 2012.

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.

CETF Budget & Finance Report: No report presented.

Next Meeting: February 6, 2013
Upon adjournment of 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 Sherley adjourned the meeting at 9:49 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

January 14, 2013

Date

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