

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: December 12, 2012

Time: Upon adjournment of 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: Scott Sherley, Chair, Broker / Hilo Commissioner
Bruce Faulkner, Vice Chair, Broker / Maui Commissioner
Nikki Senter, Public / Honolulu Commissioner
Frances Gendrano, Broker / Honolulu Commissioner
Rowena Cobb, Broker / Kauai Commissioner – late arrival
Aileen Wada, Broker / Honolulu Commissioner
Scott Arakaki, Public / Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer
Miles Ino, 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: Aron Espinueva, Hawaii Association of REALTORS®
Trudy Nishihara, Coldwell Banker Pacific Properties Real Estate School
Everette Kaneshige, Coldwell Banker Pacific Properties Real Estate School
Mary Hokada, Coldwell Banker Pacific Properties Real Estate School
Mark Clement, Dower School of Real Estate

Absent: Walt Harvey, Broker / Honolulu Commissioner
Stanley Kuriyama, Broker / Honolulu Commissioner

Call to Order: Chair Sherley called the meeting to order at 9:32 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 Harvey and Kuriyama were excused from the meeting. Prior notification of their non-attendance was received. Commissioner Cobb is expected to be a little late due to a delayed flight departure from Lihue.

Condominium
 Specialist's
 Report:

Minutes

Upon a motion by Commissioner Faulkner, seconded by Commissioner Wada, it was voted on and unanimously carried to accept the minutes of the November 7, 2012 Condominium Review Committee meeting as circulated.

Condominium
 Governance and
 Management:

AOUO Registrations

Specialist Stone reported that as of November 30, 2012, 1,658 AOUOs have successfully registered.

Condominium Related Articles

The following articles were distributed for informational purposes: "Meetings of Board of Directors of Community Associations in Hawaii" By M. Anne Anderson, Esq. and Paul A. Ireland Koftinow, Law Clerk and "Reserve Study Is a Risk Management Tool" By Mike Price, CMCA, AMS, RS with input from Ron Tsukamaki, CPCU, ARM, FPE, *CAI Hawaii (October 2012)*; "Don't Let Member's Contractor Expose Association to Liability", *Community Association Management Insider (December 2012)*.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

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

| PROJ # | PROJECT NAME | PROJECT ADDRESS | TMK # | TTL | RPT | DATE |
|--------|---------------------------|--|-----------|-----|---------|-----------|
| 5224 | 2026 NINTH AVENUE | 2026 NINTH AVE HONOLULU HI 96816 | 134001036 | 4 | SUPPL 2 | 11/16/201 |
| 7147 | ANINI NANI CONDOMINIUM | 3235 KALIHAI RD KILAUEA HI 96754 | 453003059 | 2 | B AMD | 11/19/201 |
| 7294 | BOOTH BROOKSIDE | 2728 BOOTH RD HONOLULU HI 96817 | 122027016 | 2 | B REPT | 11/2/2012 |
| 7298 | HALE LAKI | 1529 1531 1533 & 1535 AULD LN HONOLULU HI 96817 | 116007019 | 4 | B REPT | 11/8/2012 |
| 6751 | HOLOMUA | 1315 KALAKAUA AVE HONOLULU HI 96826 | 124006017 | 176 | B AMD 3 | 11/23/201 |
| 4910 | HONO KAUAI | HONO O'HALA PLACE KAPAA HI 96746 | 444009009 | 2 | SUPPL | 11/9/2012 |
| 6178 | KAPAKA MELE CONDOMINIUM | LOT 3 OF PRINCEVILLE AT PRINCEVILLE HI 96722 | 453008003 | 2 | SUPPL | 11/27/201 |
| 7275 | KAPOLEI KAI (PHASE II) | 2176 LAUWILIWILI ST KAPOLEI HI 96707 | 191075008 | 2 | B REPT | 11/5/2012 |
| 6595 | KOLOA CREEKSIDE ESTATES I | LOT 186 WELIWELI RD KOLOA HI 96756 | 428009001 | 9 | B AMD 3 | 11/13/201 |
| 7309 | LAIE SHORES | 55-285 AND 55-285C KAMEHAMEHA | 155002096 | 2 | B REPT | 11/9/2012 |

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|------|---|---|-----------|-----|---------|-----------|
| 6485 | MAILI BEACH PLACE | LAIE HI 96792 87-150 MAIPALAOA RD WAIANA E HI 96792 | 187023060 | 65 | B AMD | 11/16/201 |
| 6096 | MAKANA KAI AT WEHILANI PHASE I (INCREMENT 1-A) | WAIKOLOA RD KOHALA HI | 368002027 | 38 | B AMD 2 | 11/2/2012 |
| 6320 | MAKANA KAI AT WEHILANI PHASE I (INCREMENT 1-C) | WAIKOLOA RD KOHALA HI | 368002027 | 24 | B AMD 2 | 11/2/2012 |
| 7308 | MAKILA NUI LOT 10-C CONDOMINIUM | KAI HELE KU LAHAINA HI | 247001039 | 2 | B REPT | 11/15/201 |
| 7272 | MARY SAVIO MEDICAL PLAZA AT NEWTOWN | 98-1247 KAAHUMANU ST AIEA HI 96701 | 198008026 | 62 | B AMEND | 11/7/2012 |
| 7307 | MILO COURT AT KEHALANI (PH 6) | HONOAPIILANI HWY WAILUKU HI 96793 | 235001081 | 10 | FINAL | 11/15/201 |
| 7260 | NEHOA STREET CONDOMINIUM | 1563, 1565, 1567, & 1569 NEHOA ST HONOLULU HI 96822 | 124023011 | 4 | B AMD | 11/30/201 |
| 7288 | NEW CAMP AT KAHUKU VILLAGE | 56-419 KAMEHAMEHA WAY KAHUKU HI 96731 | 156002027 | 52 | B AMD | 11/20/201 |
| 7288 | NEW CAMP AT KAHUKU VILLAGE | 56-419 KAMEHAMEHA WAY KAHUKU HI 96731 | 156002027 | 52 | B REPT | 11/1/2012 |
| 7317 | NOHONA III AT KAPOLEI - PHASE II | KAMA`AHA LP KAPOLEI HI 96707 | 191016172 | 21 | B REPT | 11/29/201 |
| 7290 | ONE ALA MOANA | 1555 KAPIOLANI BLVD HONOLULU HI 96814 | 123040022 | 206 | B REPT | 11/8/2012 |
| 7030 | PULEWA AT MEHANA | KAKALA, MANAWAI, KUNEHI, KAPOLEI HI 96707 | 191016160 | 120 | B AMD 3 | 11/19/201 |
| 6338 | RNR CONDOMINIUMS II | 329 CALIFORNIA AVE WAHIAWA HI 96786 | 173002031 | 32 | B AMD | 11/19/201 |
| 7291 | WAHIAWA PLANTATION ESTATES | 621 CLARK ST HONOLULU HI 96786 | 174010061 | 6 | B REPT | 11/7/2012 |
| 7282 | WAILEA BEACH RESORT & RESIDENCES | 3550 WAILEA ALANUI DR WAILEA HI 96753 | 221008067 | 12 | B REPT | 11/13/201 |
| 7313 | WELOKA CONDOMINIUM | 10351 & 10355 KAMEHAMEHA HWY KAUNAKAKAI HI 96748 | 257003083 | 2 | B REPT | 11/15/201 |
| 7300 | WILLENBORG ESTATES | 66-1420 KAUKONAHUA RD WAIALUA HI 96791 | 166028010 | 2 | B REPT | 11/30/201 |
| 0 | Preliminary Reports | | | | | |
| 0 | Contingent Final Reports | | | | | |
| 1 | Final Reports | | | | | |
| 3 | Supplementary Reports | | | | | |
| 12 | B Reports | | | | | |
| 11 | B Amendment Reports | | | | | |
| 27 | TOTAL REPORTS | | | | | |

**Consultants – Report on Condominium Consultants' Forum/Information
 Session Nov. 1, 2012**

The report on the November 1, 2012 Condominium Consultant Forum was provided in the Commissioner's packets for their review. Specialist Yee noted that the consultants had reached a consensus on the following recommendations for the Committee's consideration:

- Direct staff to initiate memos to developers from time to time relating to for example, "Practical Pointers" for condominium project registration to include but not limited to reminders to:
 - Use "Commission Approved Forms" in its entirety for drafting the developer prepared public report; with examples of continuing developer prepared disclosure and information on separate additional pages and paragraphs and leaving pagination and boxes of information as is;
 - Where conversions include building or zoning code violations, provide pursuant to §514B-84 and §514B-89, HRS, estimated costs to cure violations and deadlines prior to closing for Developers to complete the cure;

- Include in any submitted architect or engineer's report as described in §514B-84 (a) (1) (A), HRS, specific statements describing the present conditions of those components and installations. General broad statements about the conditions will be accepted as long as such are supplemented by specific statements. Mere general statements that components are "in condition consistent with their age" or the like will not be accepted as they do not provide meaningful disclosure to consumers.
- Revise condominium project registration questionnaire to include questions about the existence and current status of:
 - Dedications, agriculture, historic properties, etc.;
 - Roll Back taxes;
 - Real property taxes of master parcel;
 - Real property taxes of unit;
 - Uncured county violations and estimated costs to cure.

Upon a motion by Commissioner Gendrano, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the condominium consultants' recommendations as outlined above.

Commissioner Cobb arrives at 9:37 a.m.

Program of Work: **Rulemaking, Chapter 107**

Specialist Yee reported that a blue ribbon panel will be created in the next few months to review the draft Chapter 107 rules.

Neighbor Island Outreach and Condominium Specialist Office for the Day

The January Committee meetings will be held on January 9, 2013 at the REALTORS® Association of Maui Office located at 441 Ala Makani Place, Kahului, Maui in conjunction with the Specialists' Office for the Day.

Rulemaking, Chapter 53, Fees

Staff has been informed that the ramseyer and clean version of the Chapter 53 rules have been signed by the Supervising Deputy Attorney General and is making its way back to the Commission. Upon receipt, staff will forward the proposed rules along with a memo requesting the Governor's approval of the proposed rules, after a public hearing.

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.

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CETF Budget & Finance Report: Upon a motion by Commissioner Faulkner, seconded by Commissioner Gendrano, it was voted on and unanimously carried to accept the Condominium Education Trust Fund Financial Report for the period ending September 30, 2012.

Next Meeting: January 9, 2013
Upon adjournment of the Laws and Rules Review Committee meeting scheduled to convene at 9:30 a.m.
REALTORS® Association of Maui, Inc.
441 Ala Makani Place
Kahului, Maui

Adjournment: With no further business to discuss, Chair Sherley adjourned the meeting at 9:42 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

December 13, 2012

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____

CY/tn/121213