

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 10, 2007

Time: 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.

Place: REALTORS Association of Maui
441 Ala Makani Place
Kahului, Maui

Present: Stanley Kuriyama, Chair Pro Tem, Broker / Honolulu Commissioner
Louis Abrams, Broker / Kauai Commissioner
Trudy Nishihara, Broker / Honolulu Commissioner
Carol Ball, Broker / Maui Commissioner
Michele Sunahara Loudermilk, Public / Honolulu Commissioner
Annette Aiona, Broker / Hilo Commissioner
Frances Gendrano, Salesperson / Honolulu Commissioner

Calvin Kimura, Supervising Executive Officer
Diane Choy Fujimura, Senior Real Estate Specialist
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary

Others: Terry Tolman, Realtors Association of Maui
Marsha Shimizu, Hawaii Association of Realtors

Absent: William Chee, Chair, Broker / Honolulu Commissioner
Mark Suiso, Vice Chair, Public / Honolulu Commissioner

Call to Order: Chair Pro Tem Kuriyama called the meeting to order at 10:45 a.m., at which time quorum was established.

Chair's Report: Chair Pro Tem Kuriyama thanked the Realtors Association of Maui for the use of their facilities for the meetings.

The Chair then 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.

Condominium Specialist's Report: **Additions to the Agenda**
Upon a motion by Commissioner Gendrano, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend accepting the additions to the agenda as follows:

- 6. Program of Work
 - g. Government and Legislative Participation & Report
 - 1) CAI-Hawaii Chapter – Legislative Request
 - 2) Legislative Report

Minutes: Upon a motion by Commissioner Abrams, seconded by Commissioner Nishihara, it was voted on and unanimously carried to accept the minutes of the December 6, 2006 Condominium Review Committee meeting as circulated.

Condominium
 Governance and
 Management:

Mediation and Arbitration

A summary of mediations processed through the Mediation Center of the Pacific, Mediation Services of Maui and West Hawaii Mediation Center was distributed for informational purposes.

AOAO Registrations

It was reported that as of December 31, 2006, 1,551 AOAOs have successfully registered.

Condominium Seminars and Symposium

Flyer for the January 16, 2007 "New Condominium Law Seminar" being offered by Lorman Education Services was distributed for informational purposes.

Condominium Related Articles

The following articles were distributed for informational purposes: "Last of the Breed", "Due Vigilance", "AARP's Bill of Rights" *Common Ground* (November December 2006); "Preparing for Disasters" *Hawaii Community Associations* (October 2006).

Informal Non-Binding Interpretation Requests – Pacific Rim Bank – Request for Non-Binding Interpretation Concerning Deposit of Funds of Hawaii Homeowners Associations, Pursuant to Sections 514A-7(c)(1) and 514B-149(c)(1), Hawaii Revised Statutes

Issue deferred. The committee would prefer to have both the requestor and DFI present regarding the request to provide further background information.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

A list of those condominium projects issued effective dates during the month of December 2006 were distributed for informational purposes.

Proj No.	Project Name	Project Address	TMK #	Report	Date
6182	1248 KINOOLE MEDICAL CENTER	1248 KINOOLE ST HILO HI 96720	(3)2-02-023:010	Final	12/18/06
5839	1374 AND 1376 ALA MAHAMOE	1374 AND 1376 ALA MAHAMOE ST HONOLULU HI 96819	(1)1-01-026:080	Suppl 1	12/15/06
6153	1414 WILDER	1414 WILDER AVE HONOLULU HI 96822	(1)2-04-024:068	Final	12/29/06
6171	26 HA'AHEO CONDOMINIUM	26 HAAHEO ST MAKAWAO HI 96768	(2)2-03-010:068	B Rpt	12/07/06
6193	41-648 & 41-648A MEKIA STREET	41-648 MEKIA ST WAIMANALO HI 96795	(1)4-01-023:016	Final	12/27/06
6162	433 KAIMAKE LOOP	433 KAIMAKE LP KAILUA HI 96734	(1)4-03-077:012	B Rpt	12/27/06

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6155	51-502 KAMEHAMEHA HIGHWAY	51-502 KAMEHAMEHA HWY KAAAWA HI 96730	(1)5-01-011:048	Final	12/14/06
6142	59-562 & 59-562A KAMEHAMEHA HIGHWAY	59-562 KAMEHAMEHA HIGHWAY HALEIWA HI 96712	(1)5-09-008:011	Final	12/18/06
6149	6202 KAWAIHAU ROAD CONDO	6202 KAWAIHAU RD KAPAA HI 96746	(4)4-06-032:027	Final	12/27/06
6183	84-694 & 84-694A LAHAINA STREET	84-694 LAHAINA ST WAIANAE HI 96792	(1)8-04-025:007	B Rpt	12/14/06
6177	84-950 LAHAINA STREET	84-950 LAHAINA ST WAIANAE HI 96792	(1)8-04-021:019	B Rpt	12/11/06
6126	BABY BEACH ESTATES	1139 MOANAKAI RD KAPAA HI 96746	(4)4-05-002:002	Final	12/04/06
6172	BANYAN HILLSIDE CONDOMINIUM	LOT 2-A KAPAA HI 96746	(4)4-04-003:083	Final	12/15/06
5715	BEACH VILLAS AT KO OLINA BEACH TWR	92-102 WAILII PL KAPOLEI HI 96707	(1)9-01-057:009	Suppl 1	12/21/06
6157	COCO PALMS RESORT	4-241 KUHIO HWY KAPAA HI 96746	(4)4-01-003:007	B Rpt	12/07/06
5943	HALE NANI	1683 NANA ST WAILUKU HI 96793	(2)3-08-037:024	Suppl 1	12/18/06
6169	HAMADA CONDOMINIUM	473 HOALA PL KIHEI HI 96753	(2)2-01-013:033	B Rpt	12/29/06
6135	HOKULANI GOLF VILLAS	LIPOA PKWY KIHEI HI 96753	(2)2-02-024:035	B Rpt	12/08/06
6160	KAI ANI VILLAGE	1367 S KIHEI ROAD KIHEI HI 96753	(2)3-09-002:091	B Rpt	12/22/06
5900	KAPALUA BAY CONDOMINIUM	1 BAY DR KAPALUA HI 96761	(2)4-02-004:028	Final	12/11/06
5933	KAPOLEI SPECTRUM II BUSINESS PARK	1042 MUNU ST* KAPOLEI HI 96707	(1)9-01-075:022	Final	12/22/06
6154	KEAAHALA	45-567* KEAAHALA RD KANEOME HI 96744	(1)4-05-021:008	Final	12/19/06
3734	KIOLAKAA ORCHARDS	94-6448 MAMALAHOA HWY KAU HI	(3)9-04-003:061	Suppl 1	12/20/06
6121	KOLOA MAKAI CONDOMINIUM	3073 POIPU RD KOLOA HI 96756	(4)2-06-004:049	B Rpt	12/27/06
6141	KU'U LEI MOKIHANA	5904 KAAPUNI RD KAPAA HI 96746	(4)4-06-011:072	Final	12/29/06
6114	LOWER KIMO DRIVE CONDOMINIUM	1266 LWR KIMO DR KULA HI 96790	(2)2-03-014:045	Final	12/07/06
6147	MAKINI AT KINAU	1050 KINAU ST HONOLULU HI 96814	(1)2-04-013:032	B Rpt	12/14/06
6107	OPUKEA AT LAHAINA	LIMAHANA PLACE LAHAINA HI 96761	(2)4-05-011:001	B Rpt	12/15/06
5260	PAVILIONS AT SEA CLIFF ESTATES	2445 MAKANA'ANO PLACE KILAUEA HI 96754	(4)5-02-004:076	Suppl 1	12/15/06
6023	PEARLRIDGE SUNSET	98-080 UAO PL AIEA HI 96701	(1)9-08-039:008	Suppl 1	12/01/06
3399	POHAKUHONU AGRICULTURAL ESTATES	LOT 21 HALAULANI RD KILAUEA HI 96754	(4)5-02-022:020	Suppl 2	12/15/06
5799	POOLA CLIFFS CONDOMINIUM THE	5356 POOLA ST HONOLULU HI 96821	(1)3-06-025:006	Final	12/27/06
6148	PUA LANI CONDOMINIUM	39 PUA NIU WAY LAHAINA HI 96761	(2)4-07-009:071	B Rpt	12/22/06
6184	ROYAL KAI LANI	2452 KALAKAUA AVE HONOLULU HI 96815	(1)2-06-023:004	B Rpt	12/21/06
6150	ROYAL VIEW CONDOMINIUM	59 & 63 KUMU NIU PL LAHAINA HI 96761	(2)4-07-010:028	B Rpt	12/21/06
6189	RR NOLASCO CONDOMINIUM	1025 HORNER STREET HONOLULU HI 96819	(1)1-03-001:034	B Rpt	12/27/06
6152	SV CONDOMINIUM	89 ILIAHI WAY LAHAINA HI 96761	(2)4-07-010:070	B Rpt	12/08/06
6156	TOWN HOMES AT FAIRWAY'S EDGE INCREMENT 3	KEONEULA BLVD EWA BEACH HI 96706	(1)9-1-012:058	B Amd 1	12/14/06
6166	TOWN HOMES AT FAIRWAY'S EDGE INCREMENT 4	KEONEULA BLVD EWA BEACH HI 96706	(1)9-01-012:058	B Rpt	12/01/06
4384	WAILANA FARMS CONDO PROJ	55-716 HAWI HILL RD HAWI HI 96719	(3)5-05-012:012	Suppl 1	12/20/06

Preliminary Reports: 0
Contingent Final Reports: 0
Final Reports: 14
Supplementary Reports: 8
B Reports: 17
B Amendment Reports: 1

Total: 40

CPR Project – Chapter 514A HRS, Registration Questionnaire

It was reported that the condominium consultants found this form very useful in reviewing Chapter 514A developer's public reports and would like to use this form with Chapter 514B developer's public report forms. Chair Kuriyama noted that he had some concerns regarding some of the questions on the form. Being there was no condominium specialist or condominium consultant present to answer the concerns, the issue was deferred to the February CRC meeting.

Program of Work:

Government and Legislative Participation & Report – CAI Hawaii Chapter Legislative Request

SEO Kimura reported that CAI Hawaii Chapter is requesting the Commission's support of the extension of Act 39 in the 2007 legislative session. Act 39 allows a condominium association to collect up to 6 months of maintenance fees to a maximum of \$1,800 in a foreclosure of an apartment. Act 39 currently has a "sunset" date and will be repealed on December 31, 2007. CAI Hawaii wants the sunset date removed. CAI Hawaii's request notes that the Lenders who supported Act 39 in the past have indicated they have no opposition to the law and will not oppose it this year.

Commissioner Abrams reported that the request is reasonable and has worked since enacted with no controversy and should continue permanently as requested by CAI Hawaii. The condominium owners and associations will benefit from continuing this law.

Chair Kuriyama responded that the Commission may want to reserve its support until it receives something in writing from the Bankers Association confirming their position.

Commissioner Abrams responded that the associations and owners are the consumers and having this bill sunset would not be in their best interest. He further stated "Is it not the Commission's purpose to protect the consumer?"

SEO Kimura further reported that CAI Hawaii Chapter will include the housekeeping amendments that the Commission previously approved in its proposed bill.

Upon a motion by Commissioner Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to request that the bankers association provide a written response to the Commission regarding CAI Hawaii's request and defer decision making to the January 26, 2007 REC meeting.

Interactive Participation with Organizations – CAI's 56 National Conference and Expo

Upon a motion by Commissioner Abrams, seconded by Commissioner Ball, it was voted on and unanimously carried to recommend approval to send three participants to CAI's 56th National Conference and Expo, participants to be designated by the Chair and the SEO; subject to receipt of the necessary approvals and budget.

Consumer Education

Staff, in response to the committee's request of December, has begun gathering consumer education information. Upon a motion by Commissioner Abrams, seconded by Commissioner Nishihara, it was voted on and unanimously carried to recommend deferral to the February 14, 2006 CRC meeting in the absence of Vice Chair Suiso who is the lead Commissioner on this program.

Condominium Specialist Office for the Day

The committee acknowledged staff's reports on the Condominium Specialist Offices for the Day held concurrently with the Real Estate License Renewal Workshops in November 2006.

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: February 14, 2007
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 Pro Tem Kuriyama adjourned the meeting at 11:15 a.m.

Respectfully submitted:

/s/ Calvin Kimura

Calvin Kimura
Supervising Executive Officer

February 14, 2007

Date

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