

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: March 12, 2003

Time: 11:00 a.m.

Place: Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Present: Mitchell Imanaka, Chair
Peter Rice, Vice Chair
Louis Abrams, Member
Marshall Chinen, Member
Patricia Choi, Member
Kathleen Kagawa, Member
Iris Okawa, Member
Vern Yamanaka, Member

Calvin Kimura, Supervising Executive Officer
Alan Taniguchi, Executive Officer
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
David Grupen, Condominium Specialist
Gordon Arakaki, Condominium Recodification Attorney
Diane Choy Fujimura, Senior Real Estate Specialist
Russell Wong, Real Estate Specialist
Lorene Arata, Real Estate Specialist
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary

Excused: John Ohama, Member

Call to Order: Chair Imanaka called the meeting to order at 11:01 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 Rice, seconded by Commissioner Abrams, it was voted on and unanimously carried to accept the minutes of the February 12, 2003 Condominium Review Committee meeting as corrected to reflect that Commissioner Rice was not present.

Condominium
Governance and
Management:

AOAO Registrations

Specialist Grupen reported that there were no AOAOs registered during the month of February 2003.

Education Advisory Group

Chair Imanaka reported that the CRC Education Advisory Group has been formed and is moving forward. Specialist Yee reported that a survey subcommittee has been formed to survey board members and owners of registered associations about their educational needs. It may be possible for several HPU students to assist with the survey as a class project.

Chair Imanaka reported that the same people seem to attend the CAI Hawaii seminars. There is a need to continually evaluate whether the educational seminar offerings should be continued and to find out what the condominium community is interested in.

Upon a motion by Commissioner Okawa, seconded by Commissioner Choi, it was voted on and unanimously carried to accept HPU's offer of assistance to conduct a survey among condominium owners and board members of registered associations to determine the population's educational needs and the delivery of educational programs, events and activities paid from the condominium management education fund; subject to the receipt of a letter of agreement from HPU and the professor supervising named graduate students who will conduct the survey, analyze the data, and report the results in accordance with, but not limited to, the following terms and conditions:

- a. Population surveyed to include a representative sampling of condominium owners and board members of registered association of apartment owners. The methodology for obtaining a representative sampling shall be in accordance with industry practices and research;
- b. Survey instrument shall be developed with input from interested stakeholders;
- c. Draft report of results of survey shall be made available to Commission;
- d. The survey shall be the work product of HPU and HPU shall be responsible for defending the validity of the survey results, analysis of the data, and the conduct of the survey;
- e. The survey and report shall be completed by the end of the Spring 03 semester;
- f. Reimbursement of expenses of the survey shall not exceed \$24,000.
- g. Any other additional terms and conditions requested by the Commission.

Further recommend for approval that HPU be required to submit the requested letter to the Commission by no later than the close of business day of March 31, 2003. Should the Commission not receive the requested letter by the due date, recommend approval to retain in accordance with the small purchase procedures the professional services of a research survey company to conduct the educational survey.

2003-2005 Biennium (Paper and Online)

Specialist Grupen reported that staff is in the finalizing stages of the 2003-2005 AOAO Biennial Reregistrations for both the paper and online registration process. A

draft copy of the Ehawaii.gov flier announcing the online registration was distributed for information. The committee was informed that a copy of the Ehawaii.gov flier will be included with the hard copy mailout. Reregistration via paper and the Internet will be available effective April 1, 2003.

Specialist Grupen informed the committee that although there should be no upfront development costs, the cost of the project will be based on participation. The process will allow AOAOs to complete the registration process and pay applicable fees by credit card or e-check via the Internet.

Condominium Seminars and Symposium – "Spore Wars" Mold – CAI Hawaii, Saturday, February 22, 2003, Japanese Cultural Center

Specialist Yee reported that it was a very informative seminar which presented a fair treatment of the subject matter. Both Specialist Yee and Specialist Grupen monitored the seminar.

Case Law Review Program

The following articles from the January/February 2003 issue of *Common Ground* were distributed for informational purposes: "Sacred Ground" and "One is the Loneliest Number."

Also, the following articles from the *Community Association law reporter* were distributed for informational purposes: "Association Found To Be Formed Validly" (January 2003), "Compensation to Condominium Association Officers Must Be Paid in Accordance With State Condominium Law and Association Bylaws" (February 2003), along with the following article from the July 2002 issue of *National Fair Housing Advocate* entitled "Disabled IL. Man wins \$160,000 Settlement from condo association."

Condominium Related Articles

The article entitled "Meeting Myth-Understandings" from the January/February 2003 issue of *Common Ground* was distributed for informational purposes.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

Chair Imanaka recused himself from discussion and voting on project numbered 4938. Upon a motion by Commissioner Rice, seconded by Commissioner Kagawa, it was voted on and carried to recommend approval to ratify issuance of effective dates for public reports for the month of February 2003 as follows:

Proj No	Project Name	Project Address	TMK #	Report	Date
4993	4028 B / 4028 C KEANU STREET	4028 B & C KEANU ST HONOLULU HI 96816	(1)3-03-013:016	Final	02/14/03
4996	54-228 HAUULA HOMESTEAD ROAD	54-228 HAUULA HMSTD RD HAUULA HI 96717	(1)5-04-005:028	Final	02/25/03
4965	745 EKELA AVENUE CONDO THE	745 EKELA AVEUNE HONOLULU HI 96815	(1)2-07-035:025	Final	02/18/03
4986	CLEARLINE CONDO PROJECT	LOT 4 OF SUBDIV LOT 70 & 71 N KOHALA HI	(3)5-05-012:011	Final	02/21/03
4911	DESTINY II AT MILILANI MAUKA PH IV	PA'ALI'I ST/KAIAMU PL MILILANI HI 96789	(1)9-05-002:034	Final	02/20/03
3279	GARDENS UPCOUNTRY THE	71 MAKAWAO AVE MAKAWAO HI 96768	(2)2-03-044:031	Suppl 1	02/03/03
5002	GREEN STREET ESTATES	1058, 1058A,B & C GREEN ST	(1)2-04-017:031	Final	02/05/03

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4988	HALE PINAO CONDOMINIUM	HONOLULU HI 96822 4560 ANANALU RD WAINIHA HI 96714	(4)5-08-006:016	Final	02/28/03
5004	HALENOHONA	343 HOBROTON LANE HONOLULU HI 96815	(1)2-06-012:047	Prelim	02/21/03
5017	HU'ELANI PHASE 11	LAUNAHELE ST EWA BEACH HI 96706	(1)9-01-116:001	Prelim	02/11/03
4946	HUINA STREET CONDOMINIUM	330 HUINA ST KAPAA HI 96746	(4)4-02-014:075	Final	02/06/03
4900	KALIHI VALLEY ESTATES	3434,3434 B,C,D & E KALIHI ST HONOLULU HI 96819	(1)1-04-019:015	Final	02/20/03
4970	KALIHIWAI HUI	2889 KALIHIWAI RD KILAUEA HI 96754	(4)5-02-010:022	Final	02/07/03
5009	LAS BRISAS PHASE 3 & 4	91-298 TO 91-340 MAKALE'A ST EWA BEACH HI 96706	(1)9-01-010:082	Prelim	02/03/03
4991	MAKUAHINE PLACE CONDOMINIUM	1847 & 1847A MAKUAHINE PLACE HONOLULU HI 96819	(1)1-06-028:045	Final	02/13/03
4527	NANI IKENA CONDOMINIUM	LOT 4 PUU PANE SUB HANAIE HI	(4)5-01-005:103	Suppl 2	02/13/03
4938	PENINSULA AT HAWAII KAI-PROJ I (48 UNITS)	520 LUNALILO HOME RD HONOLULU HI 96825	(1)3-09-008:016	Suppl 2	02/24/03
5013	ROSALEI THE	445 KAIOLU ST HONOLULU HI 96815	(1)2-06-017:004	Final	02/26/03
4974	SANDATE CONDOMINIUM	16 HEAAULA PL HAIKU HI 96708	(2)2-08-002:098	Final	02/28/03
4975	TIBURON PHASE 2	LUAHOANA ST EWA BEACH HI 96706	(1)9-01-010:082	Suppl 1	02/07/03
4984	TIBURON PHASE 3	LUAHOANA ST EWA BEACH HI 96706	(1)9-01-010:082	Suppl 1	02/07/03
5016	TIBURON PHASE 5	91-583 MAKALE'A ST; 91-3067 MA EWA BEACH HI 96706	(1)9-01-010:082	Prelim	02/05/03
4547	VILLAGES AT MAUNA LANI THE	68-1025 NORTH KANIKU DR KOHALA HI 96743	(3)6-08-022:004	Suppl 6	02/21/03

Preliminary Reports: 4
 Contingent Final Reports: 0
 Final Reports: 13
 Supplementary Reports: 6

Total: 23

Informal Non-Binding Interpretation §16-201-92, HAR

Specialist Yee reported that staff is taking a different approach to providing advice, education and referral. For illustrative purposes, Specialist Yee discussed a letter sent to Mr. Funasaki about board elections and proxies.

Program of Work: Recodification of Chapter 514A

Recodification Attorney Arakaki reported that public hearings will be held on the islands of Oahu, Kauai, Maui and the Big Island. Public hearings are tentatively scheduled as follows: May 2003 – Big Island, Kauai; June 4, 2003 – Oahu; and after second week of June 2003 – Maui. The neighbor island Commissioners are expected to attend the public hearings held on their island. Commissioner Imanaka will attend all public hearings.

The recodification report submitted to the legislature is available for public viewing and downloading at the Commission's website, www.hawaii.gov/hirec.

Hawaii Condominium Bulletin

The February 2003 issue of the Hawaii Condominium Bulletin was distributed for informational purposes. The bulletin is also available on the Commission's website.

Neighbor Island Outreach

The May 8, 2003 Condominium Review Committee meeting will be held on May 8, 2003 in Kailua-Kona.

Condominium Organizations Forum: There were no comments, recommendations or concerns 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: April 7, 2003; 11:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Bldg.
1010 Richards Street, Second Floor
Honolulu, Hawaii 96813

Adjournment: With no further business to discuss, Chair Imanaka adjourned the meeting at 11:21 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

April 7, 2003

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____

CY/tn