

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: October 8, 2003

Time: Upon adjournment of the Education Review Committee meeting which followed the Laws and Rules Review Committee meeting which convened at 9:00 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
John Ohama, Member
Iris Okawa, Member
Trudy Nishihara, Member – late arrival

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
Lorene Kimura, Real Estate Specialist
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary

Others: Nicki Thompson, Hawaii Association of Realtors
David Andrew, Case Bigelow & Lombardi

Excused: Marshall Chinen, Member
Kathleen Kagawa, Member
Vern Yamanaka, Member

Call to Order: Chair Imanaka called the meeting to order at 9:35 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 Okawa, it was voted on and unanimously carried to accept the minutes of the September 10, 2003 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOAO Registrations

Specialist Grupen reported that as of September 30, 2003, 1,416 AOAOs have successfully registered.

Upon a motion by Commissioner Abrams, seconded by Commissioner Rice, it was voted on and unanimously carried to recommend approval to ratify issuance of effective registration dates for Association of Apartment Owners through September 30, 2003 for the 2003-2005 registration. The associations are as follows:

| | | | |
|---------------------------|-----------|------------------------|-----------|
| 1833 Anapuni | 9/2/2003 | 2341 Date Street | 9/5/2003 |
| Alihi Lani | 8/19/2003 | Alii Lani | 9/2/2003 |
| Banyan Cove | 9/8/2003 | Banyan Harbor | 8/1/2003 |
| Country Club Hawaii | 8/29/2003 | Emerson Court | 9/11/03 |
| Gardens at West Maui | 9/4/2003 | Hayden Court | 9/2/2003 |
| Hilo Terrace | 8/29/2003 | Hono Koa | 9/4/2003 |
| Iao Gardens | 9/2/2003 | Kahana Beach Resort | 9/4/2003 |
| Kamaole One | 9/2/2003 | Kanoelani Apartments | 9/17/2003 |
| Keolu Summit | 9/18/2003 | Kilauea Plaza | 8/29/2003 |
| Kuakini Court | 9/2/2003 | Lahaina Residential | 9/2/2003 |
| Liliha Medical Building | 9/24/2003 | Magellan The | 9/22/2003 |
| Makiki Winds Apartments | 9/17/2003 | Maui Beach Resort | 9/4/2003 |
| Millyard Executive Suites | 9/5/2003 | Na Hale O Makena | 9/2/2003 |
| Nalanui Apartments | 9/17/2003 | Nuuanu Hillside | 8/29/2003 |
| Nuuanu Palms | 9/4/2003 | Pacific Shores | 9/2/2003 |
| Palani Vista | 7/1/2003 | Palolo Garden | 7/1/2003 |
| Plaza Hawaii Kai The | 7/1/2003 | Plaza Landmark | 7/1/2003 |
| Pukalani Fairway Estates | 9/12/2003 | Pulelehua | 7/1/2003 |
| Punahou Cliffs | 7/1/2003 | Sands of Kahana The | 9/4/2003 |
| Waikiki Beachside | 9/5/2003 | Wailea Fairways Villas | 7/1/2003 |
| Wailuku Townhouse | 9/2/2003 | White Sea Terrace Apts | 9/2/2003 |
| Windward Harbour | 7/1/2003 | | |

Mediation and Arbitration

The article "On the Light Side" from the Mediation Services of Maui newsletter was distributed for informational purposes.

Condominium Seminars – "Balancing the Budget"

Specialist Yee reported that the seminar, subsidized by the Condominium Education Fund, was well attended and informative.

Condominium Seminars – “Aging in Condo” Seminar Proposals

Specialist Yee reported that requests for informal quotes were sent to three vendors with only one proposal from HCAAO received.

Case Law Review Program

Article entitled "Court May Not Override Declaration's Supermajority Voting Requirement" from the August 2003 issue of *Community Association Law Reporter* was distributed for informational purposes.

Condominium Related Articles

The following articles were distributed for informational purposes: "Adjusting Formality for Board Meetings" *Hawaii Community Associations* (August 2003); "10 things to ask when you're hiring an accountant" (July/August 2003), "Protecting your assets means audits, anti-embezzlement measures – and lots more" (July/August 2003), "High Pressure System" (March/April 2003) *Common Ground*; and "911 or No?" (August-September 2003) *BMH*.

Commissioner Nishihara arrives.

Additions to the Agenda

Upon a motion by Commissioner Okawa, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend to accept the additions to the agenda as follows:

- 4.d.1) CAI Hawaii Seminars – Name Change
- 5.a.4)a) Request for Informal Non-Binding Interpretation – Queen's Villa – Notification of Intention HRS §514A-31, Preliminary Public Report HRS §514A-37; Supplementary Public Report HRS §514A-41

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

Upon a motion by Commissioner Abrams, seconded by Commissioner Rice, it was voted on and unanimously carried to recommend approval to ratify issuance of effective dates for public reports for the month of September 2003 as follows:

| Proj No | Project Name | Project Address | TMK # | Report | Date |
|---------|----------------------------|--|-----------------|--------|----------|
| 5148 | 1583 AND 1587 PUOLANI ROAD | 1583 PUOLANI RD HONOLULU HI 96819 | (1)1-03-002:044 | Final | 09/04/03 |
| 5187 | 44-538 KANEOHE BAY ESTATES | 44-538 KANEOHE BAY DRIVE KANEOHE HI 96744 | (1)4-04-017:023 | Final | 09/29/03 |
| 5149 | 45-538 KEAAHALA | 45-538 KEAAHALA ROAD KANEOHE HI 96744 | (1)4-05-020:014 | Final | 09/10/03 |
| 5094 | 798 MOKAPU ROAD | 798 MOKAPU RD KAILUA HI 96734 | (1)4-04-026:004 | Final | 09/02/03 |
| 5141 | AHONUI GARDENS | 3788 AHONUI PLACE PRINCEVILLE HI 96722 | (4)5-03-008:018 | Final | 09/30/03 |
| 4245 | ALDER VILLA | 915 ALDER STREET HONOLULU HI 96814 | (1)2-03-012:08 | Final | 09/22/03 |
| 5169 | BISHOP MANOR | 920 KAHEKA ST HONOLULU HI 96814 | (1)2-03-018:019 | Final | 09/02/03 |
| 5178 | CITRON ESTATES | 81-1043 CAPTAIN COOK RD | (3)7-07-023:099 | Final | 09/29/03 |

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|------|--|---|--------------------------|----------------|----------|
| 2640 | CROZIER HIGHLANDS | CAPTAIN COOK HI 96704 2316C AINAKAHELE ST HILO HI 96720 | (3)2-04-007:141 | Suppl 1 | 09/22/03 |
| 4879 | FAIRWAY VILLAS AT WAIKOLOA BEACH RESORT | WAIKOLOA BEACH DR WAIKOLOA HI 96738 | (3)6-09-008:003 | Suppl 2 | 09/10/03 |
| 5034 | HAVENS OF I'I VISTAS II - PHASE II | KO'OLANI DRIVE MILILANI HI 96789 | (1)9-05-049:056 | Final | 09/02/03 |
| 5190 | HAVENS OF I'I VISTAS II PHASE III | KO'OLANI DRIVE MILILANI HI 96789 | (1)9-05-049:056 | Prelim | 09/19/03 |
| 5185 | HU'ELANI PHASE 13 | 91-725 TO 91-738 LAUNAHELE ST EWA BEACH HI 96706 | (1)9-01-116:005 | Prelim | 09/17/03 |
| 5170 | KALUA'AHU GARDENS | 45-226 E,F,G WILLIAM HENRY RD KANEHOE HI 96744 | (1)4-05-016:011 | Final | 09/17/03 |
| 4873 | KEALA RANCH | PARCEL L-1 HANAIE HI | (4)5-01-002:010 | Final | 09/08/03 |
| 5150 | KIKALA KULEANA | LOT 43-D-1-C & LOT 44-E-1B KAHAHEO HI | (4)2-04-005:118 | Final | 09/16/03 |
| 1120 | KUHIO VILLAGE I | 2463 KUHIO AVE HONOLULU HI 96815 | (1)2-06-023:050 | Suppl 2 | 09/08/03 |
| 1121 | KUHIO VILLAGE II | 2450 PRINCE EDWARD ST HONOLULU HI 96815 | (1)2-06-023:045 | Suppl 2 | 09/08/03 |
| 4985 | LANI KOKOKELOA CONDO PROJECT | LOT E POR OF LOT 46 KYNNEERSLEY N KOHALA HI | (3)5-04-002:013 | Final | 09/16/03 |
| 5182 | LAS BRISAS PHASE 12 | 91-510 TO 91-530 MAKALE'A ST EWA BEACH HI 96706 | (1)9-01-010:082 | Prelim | 09/08/03 |
| 5064 | LAS BRISAS PHASE 9 | 91-430 , 91-450 MAKALE'A ST EWA BEACH HI 96706 | (1)9-01-010:082 | Final | 09/23/03 |
| 5135 | MANGO CREEK CONDOMINIUM | 4686 APOPO ROAD KAPAA HI 96746 | (4)4-06-034:049 | Final | 09/19/03 |
| 5046 | MEOLA KUA CONDOMINIUM NO. 2 | 60 LANA ST PAIA HI 96779 | (2)2-06-012:006 | Final | 09/15/03 |
| 5166 | NANAIKEOLA VILLAGE | 87-128 NANAIKEOLA ST WAIANAE HI 96792 | (1)8-07-008:076 | Cont. Final | 09/08/03 |
| 5172 | OCEAN VIEW ESTATES | LOT 219 KAEHULUA RD KAPAA HI | (4)4-06-012:012 | Final | 09/25/03 |
| 5180 | PUMEHANA GARDENS | 807 PUMEHANA ST HONOLULU HI 96826 | (1)2-03-030:043 | Final | 09/15/03 |
| 5032 | PUULANI KAI CONDOMINIUM | 271 KAELEPULU DR KAILUA HI 96734 | (1)4-03-007:018 | Final | 09/02/03 |
| 5156 | STANHOPE 6 | OFF 67-290 FARRINGTON HWY WAIALUA HI 96791 | (1)6-07-002:006 | Final | 09/16/03 |
| 5179 | THE VILLAS AT PUALI | 4261 PUHI ROAD LIHUE HI 96766 | (4)3-03-003:039 | Prelim | 09/24/03 |
| 5188 | TIBURON PHASE 11 | 91-686 TO 91-704 MAKALE'A ST EWA BEACH HI 96706 | (1)9-01-010:082 | Prelim | 09/16/03 |
| 5189 | TIBURON PHASE 12 | 91-666 TO 91-684 MAKALE'A ST EWA BEACH HI 96706 | (1)9-01-010:082 | Prelim | 09/17/03 |
| 5088 | TIBURON PHASE 6 | 91-600 TO 91-622 MAKALE'A ST EWA BEACH HI 96706 | (1)9-01-010:082 | Final | 09/02/03 |
| 5089 | WAIKOLOA COLONY VILLAS | 69-555 WAIKOLOA BEACH DRIVE WAIKOLOA HI 96738 | (3)6-09-007:035 | Cont. Final | 09/22/03 |
| 5067 | WAILAPA KAI | LOT 12 E-2 HANAIE HI | (4)5-01-005:018 | Final | 09/30/03 |
| 5004 | WINSOR THE (FKA HALENOHONA) | 343 HOBROUN LANE HONOLULU HI | (1)2-06-012:047 96815 | Suppl 1 | 09/16/03 |
| 5051 | WOODCREEK CROSSING | WIKAO ST MILILANI HI | (1)9-05-002:004 96789 | Final | 09/22/03 |

Preliminary Reports: 6
 Contingent Final Reports: 2
 Final Reports: 23
 Supplementary Reports: 5

Total: 36

Project Statistics

Project statistics by consultant were distributed for informational purposes.

Request for Informal Non-Binding Interpretation – Queen’s Villa

Specialist Yee reported that project in question has been previously registered with the Commission but the effective date for the developer’s preliminary public report has since expired and has not been extended. There has been a change in the developer and the current developer would like to abandon the old preliminary public report and register as a new project. The Commission’s condominium consultant assigned to review the project submission is in support of the new developer obtaining a preliminary or final public report under a new name and registration number.

David Andrews, Esq., Case Bigelow & Lombardi, representing the developer 1459 Pele, LLC, was present. Mr. Andrews submitted a letter dated October 7, 2003 from condominium consultant Galen Leong in support of the issuance of a new preliminary or final public report. Mr. Andrews reported that the project has a new developer, new name and has received all new county approvals. The original developer no longer holds any interest in the project and no sales of apartments were ever closed.

Upon a motion by Commissioner Rice, seconded by Commissioner Okawa, it was voted on and unanimously carried that based on the facts that the effective date for the developer’s final public report expired on March 23, 1996, no sales of the apartments were ever closed, the original developer no longer has any interest in the project, different developers have purchased the entire leasehold condominium project, a proposed second amendment to the declaration of the condominium project changes the name of the condominium project from Hale Ilima Joint Venture to Queen’s Villa, the new developer having elected to abandon the registration of Hale Ilima Joint Venture in choosing not to request for an extension of the effective date of the developer’s final public report, recommend approval to issue an informal non-binding interpretation that §§514A-31, 37, and 41, read together do not specifically prohibit the Commission from issuing an effective date for a developer’s preliminary public report for Queen’s Villa with a different registration number where an effective date for a developer’s final public report for the same condominium project had been issued and expired.

Request for Informal Non-Binding Interpretation – Offer for Sale

Note the withdrawal of the request from the developer’s attorney, Edward R. Brooks, for the property bordering Kapiolani Boulevard and Pensacola, Kamaile and Piikoi Streets (TMK Nos. (1) 2-3-010:028, 048, 050, and 052-056).

Case Law

The following articles were distributed for informational purposes: “Halt to Hokuli’a project revives ‘anti-business’ issue” *Honolulu Advertiser* (September 11, 2003); and “Developers seek end to land use board” *Honolulu Advertiser* (September 26, 2003).

Condominium Consultants

Staff to prepare a Certificate of Appreciation for Tadashi Kaneko, Condominium Consultant, who has provided services to the Real Estate Commission since 1962.

Condominium
Governance and
Management:

Condominium Seminars – CAI Hawaii Seminars, Name Change

Upon a motion by Commissioner Rice, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend approval to accept changes to the title/names of previously approved CMEF subsidized seminars: “Sprucing Condos” to “Money Pit or Pot of Gold” and “Psychos, Pot Pushers, Prostitutes and Parking (PP&P)” to “Icebergs Ahead! Steering Through the Ice Fields & Keeping Your Association Afloat.”

Program of Work:

Recodification of Chapter 514A

Chair Imanaka reported that public hearings have been held statewide. Testimony and comments are now being taken into consideration. Many management and land use issues were brought up. The working committee will now work on generating its report to present to the Legislature.

Hawaii Condominium Bulletin

Specialist Leong reported that the Commission has received a request for copies of past issues of the Hawaii Condominium Bulletin from a registered AOA. All registered AOAs are sent copies of the Bulletin for each publication. Further the Condominium Bulletins are available on the Commission’s website. At this time the Real Estate Branch has enough extra copies to honor the request but is also faced with the option of charging the 25 cents per page copy fee (\$2.00 each) or not charging and fee absorbed by the Condominium Education Fund.

Upon a motion by Commissioner Abrams, seconded by Commissioner Rice, it was voted on and unanimously carried to recommend approval to honor condominium owner’s of registered associations requests for additional copies of the Hawaii Condominium Bulletin at no charge subject to the request being made in writing, the availability of extra copies, and that distribution shall be made on a “first come, first served basis.”

Legislative Acts and Resolutions

Chair Imanaka announced that a briefing session on the status of Act 185 will be held on October 14, 2003 at the State Capitol Auditorium.

Condominium
Organizations Forum:

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: November 12, 2003
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.
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
9:52 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

November 12, 2003

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____