

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: February 11, 2004

Time: 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.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Present: Peter Rice, Vice Chair
Kathleen Kagawa, Member
John Ohama, Member
Iris Okawa, Member
Trudy Nishihara, Member

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

Excused: Mitchell Imanaka, Chair
Louis Abrams, Member
Marshall Chinen, Member
Vern Yamanaka, Member

Call to Order: Vice Chair Rice called the meeting to order at 10:15 a.m., at which time quorum was established.

Chair's Report: Vice Chair Rice noted that excellent testimony has been drafted on the condominium bills.

Condominium Specialist's Report: **Additional Distribution**
The following materials were distributed prior to the start of the meeting:

4.g. Case Law Review – “The Liabilities of Holiday Cheer Revisited” Hawaii Community Associations (December 2003)
6.g. Government and Legislative Participation Report

Minutes: Upon a motion by Commissioner Ohama, seconded by Commissioner Nishihara, it was voted on and unanimously carried to accept the minutes of the January 6, 2004 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

Mediation and Arbitration – *Pacific Business News* (December 19, 2003)

The article entitled "Mediation: An option in resolving disputes" from the December 19, 2003 issue of *Pacific Business News* was distributed for informational purposes. The article stated "We have an adversarial culture, which is reflected in our legal system." Mediators say reluctance to use mediation is due to "the lack of willingness on the part of many Americans to compromise."

AOAO Registrations

Specialist Grupen reported that as of January 31, 2004, 1,445 AOAOs have successfully registered.

Upon a motion by Commissioner Ohama, seconded by Commissioner Kagawa, it was voted on and unanimously carried to recommend approval to ratify issuance of effective registration dates for Association of Apartment Owners through January 31, 2004 for the 2003-2005 registration. The associations are as follows:

1547 Miller	01/30/2004	2828 Kalihi	01/02/2004
Cal-Cam Centre	01/05/2004	Cal-Cam Centre II	12/26/2003
Hale Awapuhi	01/05/2004	Poipu Kai Racquet Club	01/15/2004

Education Advisory Group

Specialist Yee reported that the Education Advisory Group will be reconvening in March to discuss topics/subjects for the fiscal year 2005 program of work, etc.

Condominium Seminars "Surviving the Annual Meeting Experience and Conducting Board Meetings," January 17, 2004

Specialist Leong reported that the seminar was very informative. The presentation included a discussion of the differences between annual meetings and board meetings. The seminar also reviewed selected provisions of Chapters 514A, 414D and 414J.

CAI Hawaii Seminars

Acknowledged receipt of CAI Hawaii's letter dated January 22, 2004 informing the Commission of the change in date of the Aging in Place seminar from May 20, 2004 to May 13, 2004 and the cancellation of the July 17, 2004 seminar on white collar crime.

Case Law Review Program

Article entitled "The Liabilities of Holiday Cheer Revisited" from the December 2003 issue of *Hawaii Community Associations* was distributed for informational purposes.

Condominium Related Articles

The following articles were distributed for informational purposes: "Aging Issues for Condominiums in Hawaii" and "Community Association Annual Meetings – The Parliamentarian's 2004 Preparation Guide" *Hawaii Community Associations* (December 2003); and "Info Kits Help Renters with Pets" and "State Regulations Governing Swimming Pools" *Building Management Hawaii* (December 2003-January 2004).

Hawaii Flood Management News (January 2004)

SEO Kimura reported that the subject matter of the Hawaii Flood Management News January 2004 issue is a concern of the condominium and real estate communities. The Newsletter was well presented and could be one of the models for the Commission to consider in terms of an in house publication. Staff may also include on the Commission's website a link to the Department of Land and Natural Resources site.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

Upon a motion by Commissioner Okawa, seconded by Commissioner Nishihara, it was voted on and unanimously carried to recommend approval to ratify issuance of effective dates for public reports for the month of January 2004 as follows:

Proj No	Project Name	Project Address	TMK #	Report	Date
5174	1676 WEST KUIAHA ROAD CONDO	1676 WEST KUIAHA RD HAIKU HI 96708	(2)2-07-012:190	Final	01/27/04
5244	17TH FAIRWAY VILLAS AT WAIKOLOA	68-3888 LUA KULA ST WAIKOLOA HI 96738	(3)6-08-003:009	Cont. Final	01/13/04
5050	223 & 223A KAELEPULU DRIVE	223 & 223A KAELEPULU DR KAILUA HI 96734	(1)4-03-007:050	Final	01/20/04
5273	2328 BOOTH ROAD	2328 BOOTH RD HONOLULU HI 96817	(1)2-02-019:084	Final	01/21/04
5264	45-541 & 45-539 LOIHI PLACE	45-541 & 45-539 LOIHI PLACE KANEOME HI 96744	(1)4-05-096:076	Final	01/07/04
5049	460 & 462 KAIPHA STREET CONDO	460 KAIPHA ST KAILUA HI 96734	(1)4-03-077:057	Final	01/20/04
5272	53-014 & 53-014A POKIWAI PLACE	53-014 & 53-014A POKIWAI PLACE HAUULA HI 96717	(1)5-03-014:025	Final	01/20/04
5205	909 KAPIOLANI	909 KAPIOLANI BLVD HONOLULU HI 96814	(1)2-03-003:073	Prelim	01/12/04
5248	99-404 UHALOA STREET	99-404 UHALOA ST AIEA HI 96701	(1)9-09-036:071	Final	01/12/04
5229	ALCOTT OHANA CONDOMINIUM	LOT 13 KAI IKENA SUBDIV UNIT 1 KALAHEO HI	(4)2-03-021:016	Final	01/14/04
5057	ALII COVE	75-5919 ALII DRIVE KAILUA-KONA HI 96740	(3)7-05-018:008	Cont. Final	01/07/04
5249	ANUHEA AT MAKAKILO	PUEONANI ST KAPOLEI HI 96707	(1)9-02-003:075	Cont. Final	01/28/04
5277	ANUHEA ESTATE	3654 ANUHEA ST & 1440 WILHELMI HONOLULU HI 96816	(1)3-03-032:041	Final	01/13/04
5255	ELAINE CONDOMINIUM	1568,1570,1576 & 1576A A CALIF WAHIAWA HI 96786	(1)7-05-003:004	Final	01/02/04
4995	ESTATE VILLAS AT HAINOA	HAINOA PLACE KAUPULEHU-KONA HI 96740	(3)7-02-010:012	Final	01/21/04
5258	HAVENS OF I' I VISTAS II - PHASE V	KOOLANI DR MILILANI HI 96789	(1)9-05-049:056	Prelim	01/08/04
5233	HU'ELANI PHASE 14	91-744 TO 91-810 LUALA'I ST EWA BEACH HI 96706	(1)9-01-116:001	Final	01/02/04
5219	IMAMOTO FAMILY CONDOMINIUM	130 WAHIKULI ROAD LAHAINA HI 96761	(2)4-05-014:005	Final	01/21/04
5269	J & D ESTATES	LOT V HOLUALOA 1ST & 2D PARTI N KONA HI	(3)7-06-004:028	Final	01/16/04
5184	KALAPANA	74-5060 OLD PALANI ROAD KAILUA-KONA HI 96740	(3)7-04-004:032	Final	01/29/04
4957	KOLEA CONDOMINIUM VILLAS BLDG 1	69-289 WAIKOLOA BEACH DR WAIKOLOA HI 96738	(3)6-09-011:019	Final	01/21/04

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5252	LUANA WAIKIKI	2045 KALAKAUA AVE HONOLULU HI 96815	(1)2-06-006:023	Prelim	01/14/04
4543	MAI'A SPLIT ACRES CONDOMINIUM	3755 WAHA RD KALAHEO HI 96741	(4)2-03-018:002	Suppl 1	01/13/04
5243	MAUNALOA VILLA	3337 MAUNALOA AVE HONOLULU HI 96816	(1)1-03-023:052	Final	01/12/04
5265	MOANA PACIFIC	PENSACOLA, PIIKOI HONOLULU HI	(1)2-03-010:028	Prelim	01/21/04
5204	OMAO HAUNANI CONDOMINIUM	LOT 50-A OMAO HOMSTDS KOLOA HI	(4)2-07-004:003	Final	01/28/04
5250	PENINSULA AT HAWAII KAI-PROJ III	520 LUNALILO HOME ROAD HONOLULU HI 96825	(1)3-09-008:016	Cont. Final	01/02/04
5096	PLANTATION AT PRINCEVILLE THE	LOT 1-A PARC1-B PEPELANI LOOP PRINCEVILLE HI 96722	(4)5-04-005:023	Cont. Final	01/15/04
5102	PLANTATION ESTATES	77-360 HOOMALU PLACE KAILUA-KONA HI 96740	(3)7-07-004:073	Final	01/08/04
1109	POIPU SANDS THE	1565 PE'E RD POIPU HI 96766	(4)2-08-020:008	Suppl 1	01/20/04
5253	PROFESSIONAL PLAZA OF THE PACIFIC	1520 LILIHA STREET HONOLULU HI 96817	(1)1-07-033:005	Final	01/13/04
5210	QUEEN'S VILLA	1459 PELE ST HONOLULU HI 96813	(1)2-01-022:038	Final	01/02/04
5139	TERRACE AT KONA VISTAS THE	PULANI ST KAILUA-KONA HI 96740	(3)7-06-027:042	Final	01/02/04
5275	WAILEA TOWN CENTER	WAILEA IKE PLACE KIHEI HI 96753	(2)2-08-001:103	Prelim	01/28/04

Preliminary Reports: 5
 Contingent Final Reports: 5
 Final Reports: 22
 Supplementary Reports: 2

Total: 34

Program of Work: **Recodification of Chapter 514A**

It was reported that Gordon Arakaki, Condominium Recodification Attorney, presented an oral report to the Commissioners at the Education Review Committee meeting.

Government and Legislative Participation Report

Commission's testimony on Senate Bills 2210 and 2105 were distributed for informational purposes.

SEO Kimura reported on the department's policies and procedures for preparing and submitting testimony. The Department's policy also includes filing all testimony with 24 hours of the scheduled hearing. The department is also urging the Commission member to testify and staff members to be used only as a resource person. The testimony provided may change as it moves through the many hands during the approval process.

Condominium Specialist Office of the Day

Written report submitted for informational purposes.

Division and Department Programs – Clarification of Condominium Complaints Received by RICO in 2003

Real Estate Specialist Yamashiro reported that RICO's 2003 Annual Compliance Resolution Fund Report to the Legislature indicated that RICO reported a combined figure for both real estate and condominium property regime related complaints whereas the 2002 report reported the data for real estate and condominium complaints separately. Upon discussion with Jo Ann Uchida, Complaints Enforcement Officer, RICO, it was determined that the separate

figures for real estate complaints and condominium property regime complaints for fiscal years 2002 and 2003 are as follows:

Board, Commission, or Program	2002	2003
Condominium	4	8
Real Estate	107	72

It was requested that in future RICO CRF reports, the statistics be separately reported.

Specialist Yamashiro further reported that if the complaint is related to a condominium complaint in nature but involves a real estate licensee, the complaint is filed as a real estate complaint.

SEO Kimura reported a decrease in real estate complaints over the years.

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.

CMEF Budget &
Finance Report:

Upon a motion by Commissioner Okawa, seconded by Commissioner Nishihara, it was voted on and unanimously carried to recommend approval to accept the pro forma Condominium Management Education Fund report as of December 31, 2003 (estimated) dated February 2, 2004.

Next Meeting:

March 10, 2004

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, Vice Chair Rice adjourned the meeting at 10:40 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

March 10, 2004

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____

CY/tn