

**CONDOMINIUM REVIEW COMMITTEE**  
REAL ESTATE COMMISSION  
Professional and Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii  
[www.hawaii.gov/hirec](http://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 10, 2008

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: William Chee, Chair, Broker / Honolulu Commissioner  
Mark Suiso, Vice Chair, Public / Honolulu Commissioner – early departure  
Louis Abrams, Broker / Kauai Commissioner  
Trudy Nishihara, Broker / Honolulu Commissioner  
Carol Ball, Broker / Maui Commissioner  
Michele Sunahara Loudermilk, Public / Honolulu Commissioner  
Frances Gendrano, Broker / Honolulu Commissioner

Neil Fujitani, Supervising 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: Myoung Oh, Hawaii Association of Realtors  
Michelle Miyasato  
Shari Motooka-Higa

Absent: Stanley Kuriyama, Broker / Honolulu Commissioner  
Annette Aiona, Broker / Hilo Commissioner

Call to Order: Chair Chee called the meeting to order at 9:30 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 Kuriyama and Aiona were excused from the meeting. Prior notification of their non-attendance was received.

Condominium  
Specialist's  
Report:

Minutes

Upon a motion by Commissioner Ball, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to accept the minutes of the November 12, 2008 Condominium Review Committee meeting as circulated.

Condominium  
Governance and  
Management:

### **AOAO Registrations**

Specialist Stone reported that as of November 30, 2008, 1,623 AOAOs have successfully registered.

### **Mediation and Arbitration**

Specialist Stone reported that she attended a November meeting with the industry group of mediation providers, property managers, and attorneys on the Condominium Dispute Resolution program. The industry group wants to implement a new evaluative style of mediation. More funding would be involved. The group is looking to submit a proposal to the Real Estate Commission. The committee members differ on keeping the CDR program in place.

### **Ad Hoc Committee on Condominium Education and Research**

Vice Chair Suiso reported that the draft brochures are out for review with anticipated final revisions to be made in January 2009. Vice Chair Suiso noted that he is impressed with the first draft. The next step to be decided on will be the mode of distribution.

### **Case Law Review Program**

The following articles were distributed for informational purposes:

- 1) "Condo association ordered to pay \$545,000 in attorney fees for fighting \$5000 problem" *ALQ Real Estate Intelligence Report* (Fall 2008)
- 2) *Villas West II of Willowridge Homeowners Association Inc. v. Edna McGlothin*" Common Ground (September October 2008).

### **Condominium Related Articles**

The following condominium related articles were distributed for informational purposes:

- 1) *Hawaii Community Associations* (November 2008)
  - a. "State of Hawaii legislature makes it possible for Community Associations to FDIC up to \$50 million"
  - b. "The 2009 Budget A New Level of Agony"
  - c. "CAI News: Free Board Member Tool Kit"
- 2) *Common Ground* (September October 2008)
  - a. "You say you want a Revolution"
  - b. "Playing with Fire"
  - c. "Common Claims"
  - d. "Whose Pipes"

**CDR Pilot Program**

The following were distributed for informational purposes:

- 1) CDR 2007-12 *Yuan Y. Shaw vs. AOA Harbor Square*
- 2) CDR 0809-2 *Pame A.M. Romano vs. Kuhio Village II AOA Board Members, President; Clarence Furuya & etc.*
- 3) CDR-0809-1 *Catherine Shim, individually and on behalf of other owners/former owners, and Harbor Square Volunteer Apartment Owners' Committee vs. AOA Harbor Square*

Condominium  
 Project  
 Registration:

**Condominium Project Registration - Public Reports Issued**

A list of those condominium projects issued effective dates during the month of November 2008 were distributed for informational purposes.

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNIT	REPORT DATE
5844	110 N KALAHEO CONDOMINIUM	110 N KALAHEO AVE KAILUA	185016014 HI 96734	2	SUPPL 11/20/2008
6681	3723 & 3725 SIERRA DRIVE	3723 & 3725 SIERRA DR HONOLULU	133016037 HI 96816	2	B REPT 11/13/2008
6671	4469 KANAEELE CONDOMINIUM	4469 KANAEELE RD KAPAA	446021006 HI 96746	2	B REPT 11/6/2008
6716	45-725 LANIPOLA PLACE	45-725 LANIPOLA PL KANEOME	145056024 HI 96744	2	B REPT 11/25/2008
6726	BALI HAI VILLAS PHASE XV (BLDG 14)	4970 PEPELANI LP PRINCEVILLE	454005036 HI 96722	16	B REPT 11/20/2008
6391	COUNTRY CLUB VILLAGE 6	3009 ALA MAKAHALA PL HONOLULU	111065033 HI 96818	515	B AMD 3 11/6/2008
6718	HAIKU ESTATES (2ND INCREMENT)	46-312 HAIKU RD KANEOME	146012035 HI 96744	2	FINAL 11/19/2008
5590	HALE HUNA	ALAMIHI RD WAINIHA	458012019 HI 96714	2	SUPPL 11/20/2008
6705	HALFORD CONDOMINIUM	70 & 72 LUMAHAI PL MAKAWAO	224027004 HI 96768	2	B REPT 11/17/2008
6639	IWIPOO ESTATES	3220 IWIPOO RD LAWAI	426001076 HI 96765	2	B REPT 11/17/2008
6643	KEAPANA FARMS	6281 HAUAAAL RD KAPAA	447002006 HI 96746	2	B REPT 11/13/2008
6685	LALENA GARDENS	PAI ST KOLOA	423002111 HI 96756	4	B REPT 11/10/2008
6271	LAUNIUPOKO 12 CONDOMINIUM	233 WAILAU PL LAHAINA	247010077 HI 96761	2	B AMD 11/21/2008
6629	MACADAMIA ESTATES	4218 E KANAEELE RD KAPAA	446012010 HI 96746	2	B REPT 11/20/2008
6451	MONKEY TREE ESTATES	LOT 239 WAINIHA POWERHOUSE RD WAINIHA	458007021 HI 96714	2	B AMD 11/24/2008
6469	PIKAKE TERRACE ESTATES	2933 PIKAKE STREET LIHUE	436010083 HI 96766	2	B AMD 11/6/2008
6103	PLANTATION TOWN APARTMENTS	94-979 KAUOLU PL WAIPAHO	194017058 HI 96797	330	B AMD 4 11/10/2008
6715	RODRIGUEZ KEKAHA	8764 KEKAHA RD KEKAHA	413005039 HI 96752	2	B REPT 11/10/2008
6719	VILLA IOLANI CONDOMINIUM	307 & 311 IOLANI AVE HONOLULU	121021042 HI 96813	2	B REPT 11/25/2008
6199	VILLAS AT KEHALANI - PHASE I THE	KEHALANI PKWY WAILUKU	235001074 HI 96793	9	B AMD 2 11/10/2008
6712	VILLAS AT KEHALANI - PHASE II THE	KEHALANI PKWY WAILUKU	235001074 HI 96793	94	B REPT 11/10/2008
6586	WALUA PROFESSIONAL CENTER	75-5905 WALUA RD KAILUA KONA	375018094 HI 96740	10	B AMD 11/21/2008
0	<b>Preliminary Reports</b>				
0	<b>Contingent Final Reports</b>				
1	<b>Final Reports</b>				
2	<b>Supplementary Reports</b>				
12	<b>B Reports</b>				
6	<b>B Amendment Reports</b>				
22	<b>TOTAL REPORTS</b>				

Vice Chair Suiso was excused from the meeting at 9:38 a.m.

**Owner-Occupant – Scott and Michelle Miyasato Request for "No Action Letter" Due to Change in Parental Status**

Michelle Miyasato was present to address the committee. Mrs. Miyasato informed the committee that she is requesting that the Commission issue a no action letter due to the change in parental status. Mrs. Miyasato stated that at the time they signed the owner-occupant affidavit for the condominium unit in Country Club Village 6 in Salt Lake they were unaware that they were expecting their second child. Mrs. Miyasato noted that their genuine intent was to live in the Country Club Village 6 unit because of its prime location to commute to work and the babysitter. Living in a two-bedroom unit with two babies now seems impractical and difficult, especially when the two babies would need to share one bedroom. Mrs. Miyasato further noted that space is very important with children and that the needs of the children out weigh the ease of commute from the County Club Village 6. They are currently living in a home in Mililani.

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Abrams, it was voted on and unanimously carried to issue a "no action" letter to Scott and Michelle Miyasato pursuant to §514A-107(b) or 514B-98.5(b), HRS, unforeseeable change in parental status.

Program of Work:

**Neighbor Island Outreach / Condominium Specialist Office of the Day**

The next neighbor island outreach and condominium specialist office of the day will be held on January 7, 2009 at the Realtors Association of Maui offices located at 441 Ala Makani Place in Kahului, Maui. Due to budget constraints, the committee is only sending one condominium specialist to Maui.

**Condominium Reference Library**

Specialist Leong reported that CAI Hawaii has received the first 5 sets of the library materials and will be providing them to the Real Estate Branch to include the caveat stickers. The Real Estate Branch will then distribute the sets to the Hawaii State Library System.

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:

Upon a motion by Commissioner Abrams, seconded by Commissioner Ball, it was voted on and unanimously carried to accept the Condominium Education Fund Financial Report for the period ending September 30, 2008.

Condominium Review Committee  
Minutes of the December 10, 2008 Meeting  
Page 5

Next Meeting: January 7, 2009  
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.  
REALTORS® Association of Maui  
441 Ala Makani Place  
Kahului, Maui

Adjournment: With no further business to discuss, Chair Chee adjourned the meeting at  
9:45 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

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Cynthia M. L. Yee  
Senior Condominium Specialist

December 24, 2008

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Date

Minutes approved as is.

Minutes approved with changes; see minutes of \_\_\_\_\_

CY/tn/081224