

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: May 10, 2006

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: University of Hawaii - Hilo
Campus Center Meeting Rooms 306/307
200 West Kawili Street
Hilo, Hawaii

Present: Michele Sunahara Loudermilk, Vice Chair, Public / Honolulu Commissioner
Louis Abrams, Broker / Kauai Commissioner
Carol Mae Ball, Broker / Maui Commissioner
Trudy Nishihara, Broker / Honolulu Commissioner
Vern Yamanaka, Broker / Hilo Commissioner

Calvin Kimura, Supervising Executive Officer
Cynthia Yee, Senior Condominium Specialist
Cheryl Leong, Condominium Specialist
David Grupen, Condominium Specialist
Diane Choy Fujimura, Senior Real Estate Specialist
Shari Wong, Deputy Attorney General
Karyn Takahashi, Recording Secretary

Others: Dayle Reed, Realty Executives
Mike Schrieber
Kevin Miyashiro, Broker
Harrison Klein, Re/Max Properties
Annette Aiona
Michele Robles
Scott Sherley

Absent: Stanley Kuriyama, Chair, Broker / Honolulu Commissioner
Iris Okawa, Public / Honolulu Commissioner
Kathleen Kagawa, Broker / Honolulu Commissioner

Call to Order: Vice Chair Loudermilk called the meeting to order at 10:51 a.m., at which time quorum was established.

Chair's Report: No report was presented.

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

5.a.5) Informal Non-Binding Interpretation Requests §514A-107(b), HRS, "no action letter"

Minutes: Upon a motion by Commissioner Yamanaka, seconded by Commissioner Ball, it was voted on and unanimously carried to accept the minutes of the April 12, 2006 Condominium Review Committee meeting as circulated.

Condominium
 Governance and
 Management:

AOAO Registrations

Specialist Grupen reported that as of April 30, 2006, 1,521 AOAOs have successfully registered.

Condominium Seminars and Symposium

Specialist Yee reported that we are in the process of soliciting interested individuals and this project should be concluded well before the deadline.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

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

5953	1332 & 1334 7TH AVE.	1332 7TH AVE HONOLULU HI 96816	(1)3-03-003:002	Final	04/20/06
5950	1551/1551A HALA DRIVE	1551 HALA DR HONOLULU HI 96817	(1)1-06-027:070	Final	04/26/06
5948	2739 HENRY STREET	2739 HENRY ST HONOLULU HI 96817	(1)2-02-036:004	Final	04/07/06
5963	2765 ROUND TOP DRIVE	2765 ROUND TOP DR HONOLULU HI 96822	(1)2-05-005:005	Final	04/19/06
5970	5026 PUUWAI CONDOMINIUM	5026 PUUWAI RD KALAHEO HI 96741	(4)2-04-005:084	Final	04/27/06
5946	58-292 KAMEHAMEHA HIGHWAY	58-292 KAMEHEMEHA HWY HALEIWA HI 96712	(1)5-08-004:072	Final	04/12/06
5969	91-434 AND 91-434A EWA BEACH RD	91-434 EWA BEACH RD EWA BEACH HI 96706	(1)9-01-024:034	Final	04/24/06
5945	94-359 & 94-359A HONOWAI ST	94-359 HONOWAI ST WAIPAHA HI 96797	(1)9-04-031:091	Final	04/13/06
5915	ARSENAL CONDOMINIUM PROJECT	1325 ARSENAL RD HONOLULU HI 96819	(1)1-03-010:030	Final	04/05/06
5926	BOOTH ROAD CONDOMINIUM	2133 BOOTH RD HONOLULU HI 96813	(1)2-02-011:047	Final	04/05/06
5509	ESTATE VILLAS AT HAINOA - PH II	HAINOA PL KONA HI 96740	(3)7-02-025:006	Suppl 2	04/19/06
5702	HAINOA VILLAS	HAINOA ST KONA HI 96740	(3)7-02-025:007	Suppl 2	04/19/06
5943	HALE NANI	1683 NANA ST WAILUKU HI 96793	(2)3-08-037:024	Final	04/18/06
5918	HALEKOU VISTA	45-631 HALEKOU PL KANEEOHE HI 96744	(1)4-05-102:007	Final	04/05/06
5923	HARRISON	82-5994 NAPOOPOO RD CAPTAIN COOK HI 96704	(3)8-02-003:034	Final	04/13/06
5958	HAUAALA MAKAI CONDOMINIUM	4610 HAUAALA RD KAPAA HI 96746	(4)4-05-014:014	Final	04/13/06
5800	ISLAND CLASSICS II @ MILILANI	UKUWAI ST MILILANI HI 96789	(1)9-05-049:027	Final	04/20/06
5813	KA MILO AT MAUNA LANI PHASE 2	68-1122 N KANIKU DR KOHALA HI 96743	(3)6-08-022:041	Cont. Final	04/07/06
5768	KAHUNA PALI-ULI	KAHUNA RD KAPAA HI 96746	(4)4-06-004:049	Final	04/20/06
5966	KANE STREET	KANE & VEVAU ST/SCHOOL AVE KAHULUI HI	(2)3-07-005:003	Prelim	04/24/06
5952	KAPEHE HALE'S	47-368 KAPEHE ST KANEEOHE HI 96744	(1)4-07-055:092	Final	04/20/06
5556	KE ALI'I OCEAN VILLAS	KE ALI'I ALANUI KIHEI HI	(2)3-05-020:020	Final	04/03/06
5551	KIHEI COMMERCIAL PLAZA	380 KALEIOKAHAKU ST KIHEI HI 96753	(2)3-09-045:012	Final	04/18/06
5931	KUAHIWI MALU	6480 PUUPILO ROAD KAPAA HI 96746	(4)4-02-022:014	Final	04/25/06
5961	KUHINA AT KAHALA	650 HUNALEWA ST	(1)3-02-064:130	Cont.	04/13/06

5942	LAM ESTATES	HONOLULU HI 96816 5011 HALEILIO RD KAPAA HI 96746	(4)4-01-016:031	Final Final	04/13/06
5635	LAULE`A AT MAUNA LANI	SOUTH KANAUKU DR KOHALA HI 96743	(3)6-08-022:024	Cont. Final	04/18/06
5919	LEHUA POINTE	99-144 WAIAKEA PL AIEA HI 96701	(1)9-09-009:015	Cont. Final	04/11/06
5973	LOKELANI ESTATES	2330 ROSE ST HONOLULU HI 96819	(1)1-03-012:015	Final Final	04/26/06
5964	MOANA VISTA	1015 KAPIOLANI BLVD HONOLULU HI 96814	(1)2-03-003:072	Prelim	04/28/06
5491	NA HALE AT KAHIKOLE - PHASE II	KAHIKOLE STREET KAUPULEHU-KONA HI	(3)7-02-003:013	Suppl 1	04/17/06
5951	PILI MAI AT PO`IPU	2611 KIAHUNA PLANTATION DR KOLOA HI 96756	(4)2-08-014:033	Prelim	04/20/06
5922	PO`O ESTATES	6401 POO RD KAPAA HI 96746	(4)4-02-022:028	Final	04/26/06
5954	TRUMP INT'L HOTEL & TWR@ WAIKIKI BEACH WALK	KALIA HONOLULU HI 96815	(1)2-06-003:032	Prelim	04/07/06
5868	WAILANA AT SEA COUNTRY	PAKEKE ST WAIANAE HI 96792	(1)8-07-010:002	Final	04/26/06
Preliminary Reports:		4			
Contingent Final Reports:		4			
Final Reports:		24			
Supplementary Reports:		3			
Total:		35			

Program of Work: **Recodification of Chapter 514A – Statewide Seminars**

Specialist Yee announced that there is a New Condominium Law Seminar offered by the Commission being held here today at 1:30 p.m. The seminar will cover the new condominium law which takes effect on July 1, 2006. Everyone is welcome and it is free of charge. Additional statewide seminars will be held on June 1, 2006 in Maui, June 5, 2006 in Kona and June 16, 2006 on Oahu. May 31, 2006 and June 8, 2006 seminars on Oahu are co sponsored by the Commission and the HSBA Real Property Section.

**Recodification of Chapter 514A – HSBA Real Property Section May 31, 2006
 Ala Moana Hotel – Commission Co-sponsor**

Specialist Yee reported that the Commission is co-sponsoring the HSBA Real Property Section recodification of Chapter 514A seminar on May 31 and June 8, 2006 and if any Commissioner is interested in attending please contact her. The co-sponsorship is in name only—no funding.

Government and Legislative Participation & Report

SEO Kimura reported on the status of key bills.

Program of Work, FY07

A draft of the Condominium Review Committee Program of Work for FY07 was distributed to the Commissioners. SEO Kimura reported on key issues and goals for the upcoming fiscal year and requested recommendations as soon as possible. The goal is to finalize the FY07 program of work by the May 26, 2006 REC meeting or June 14, 2006 Committee meetings.

At this time, Vice Chair Loudermilk reported that we are in the process of finalizing the forms on recodification and the goal is to have something to present by the end of the month.

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.

CEF Budget & Finance Report: Upon a motion by Commissioner Yamanaka, seconded by Commissioner Nishihara it was voted on and unanimously carried to recommend approval to accept the pro forma report for period ending March 31, 2006 subject to audit.

Open Forum: No discussion presented.

Executive Session: Upon a motion by Commissioner Yamanaka, seconded by Commissioner Nishihara, it was voted on and unanimously carried to enter into executive session, pursuant to Section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities;".

Upon a motion by Commissioner Yamanaka, seconded by Commissioner Ball, it was voted on and unanimously carried to move out of executive session.

Condominium Project Registration: **86-912-A & 86-912-B Pukui Place – CPR No. 5649 – Jeffrey S. Grad, Esq. "Restrictive Covenant"**

Upon a motion by Commissioner Yamanaka, seconded by Commissioner Nishihara, it was voted on and unanimously carried to recommend approval to request that developer provide a response to the Commission's previous request (which the developer has still left unanswered) that the developer provide persuasive evidence that the restricted covenants are not enforceable.

Informal Non-Binding Interpretation Requests §514A-107(b), HRS, "no action letter"

Upon a motion by commissioner Yamanaka, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend approval to define the term "Serious Illness" as used in §514A-107(b) as: An illness of any owner-occupant who executed the affidavit or any other person who was to or has occupied the residential apartment, that is certified in a detailed writing by the treating U.S. licensed physician of the affiant or the person who was to have occupied the apartment as: (a) arising after the date of the affidavit and not previously known; (b) serious; (c) likely to exist for at least the remainder of the required owner occupant period; and (d) the reason such person is not able to occupy the apartment.

Informal Non-Binding Interpretation Request §514A-107(b) HRS "no action letter" - Jimmy and Junko Rhymer

Upon a motion by Commissioner Yamanaka, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend approval to

issue an informal non-binding interpretation and issue a “no action” letter based on “Unforeseeable job or military transfer.”

Informal Non-Binding Interpretation Request §514A-107(b) HRS “no action letter” - Tan Minh Tran – Deferred from April 12, 2006 CRC meeting

Upon a motion by Commissioner Yamanaka, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend deferral of this issue to the May 26, 2006 REC meeting.

Informal Non-Binding Interpretation Request §514A-107(b) HRS “no action letter” - PY Inc., - Deferred from April 12, 2006 CRC meeting

Upon a motion by Commissioner Yamanaka, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend deferral of this issue to the May 26, 2006 REC meeting.

Consultants – Evaluations and Contract Rollovers

Upon a motion by Commissioner Yamanaka, seconded by Commissioner Ball it was voted on and unanimously carried to recommend deferral of this issue to the May 26, 2006 REC meeting.

Next Meeting: June 14, 2006
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 Loudermilk adjourned the meeting at 11:46 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

June 14, 2006

Date

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