

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: January 12, 2005

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: Kathleen Kagawa, Vice Chair, Broker / Honolulu Commissioner
Louis Abrams, Broker / Kauai Commissioner
Iris Okawa, Public / Honolulu Commissioner
Trudy Nishihara, Broker / Honolulu Commissioner
Michele Sunahara Loudermilk, Public / Honolulu Commissioner

Calvin Kimura, Supervising Executive Officer
Neil Fujitani, 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

Absent: Mitchell Imanaka, Chair, Broker / Honolulu Commissioner
Vern Yamanaka, Broker / Hilo Commissioner
John Ohama, Broker / Honolulu Commissioner
Carol Mae Ball, Broker / Maui Commissioner

Call to Order: Vice Chair Kagawa called the meeting to order at 11:11 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 Abrams, seconded by Commissioner Nishihara, it was voted on and unanimously carried to accept the minutes of the December 8, 2004 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

Mediation & Arbitration – Franklin Lacy Letter of December 6, 2004, Arbitration Issue

Mr. Franklin Lacy initially wrote to Governor Linda Lingle who in turn referred his letter to the Commission for its review and consideration of his concerns relating to arbitration and possible changes to the law. The committee reviewed Mr. Lacy's letter and proposed changes to the condominium and/or condominium arbitration law.

Upon a motion by Commissioner Nishihara, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend approval to have staff prepare a standard advice, education and referral response.

AOAO Registrations

Specialist Grupen reported that as of December 30, 2004, 1,492 AOAOs have successfully registered.

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

804 Green	12/29/2004	Kaopa Park Place	12/02/2004
Kihei Villa	12/20/2004	University Parkside	12/08/2004

Case Law Review Program

The following articles were distributed for informational purposes: "Association Can't Ban Member from Putting Satellite Dish on Unit's Patio" (*Community Association Management Insider* December 2004), "Don't Require People in Wheelchairs to Use Service Entrance Only" (*Community Association Management Insider* December 2004), "Association's Refusal to Let Disabled Members Keep Dog Constitutes Unlawful Discrimination" (*Community Association Management Insider* November 2004), *Giebeler v. M & B Associates, et al.*, 343 F. 3d 1143 (2003), and *Hidden Hills Community, Inc. v. Rogers*, 869 So.2d 984 (2004).

Condominium Related Articles

The article entitled "How to Comply with New USPS Mailbox Standards" from the November 2004 issue of *Community Association Management Insider* was distributed for informational purposes.

Condominium
Project
Registration:

Condominium Project Registration - Public Reports Issued

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

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Proj No	Project Name	Project Address	TMK #	Report	Date
5534	1247 & 1249 HOOLI CIRCLE	1247 HOOLI CIR PEARL CITY HI 96782	(1)9-07-073:053	Final	12/06/04
5515	45-105 AND 45-107 WAIKALUA ROAD	45-105 WAIKALUA RD KANEHOE HI 96744	(1)4-05-004:001	Final	12/07/04
5505	521 KAWAIILOA ROAD	521A KAWAIILOA RD KAILUA HI 96734	(1)4-03-010:019	Final	12/07/04
5506	54-014 & 54-014A KUKUNA ROAD	54-014 KUKUNA RD HAUULA HI 96717	(1)5-04-001:018	Final	12/10/04
5507	54-014B & 54-014C KUKUNA ROAD	54-014C KUKUNA RD HAUULA HI 96717	(1)5-04-001:068	Final	12/10/04
5527	99-778 & 99-778A NAHIOLEA STREET	99-778 NAHIOLEA ST AIEA HI 96701	(1)9-09-058:049	Final	12/01/04
5375	DESTINY III AT MILILANI MAUKA PHASE II	MOEA ST MILILANI HI 96789	(1)9-05-049:027	Final	12/14/04
5509	ESTATE VILLAS AT HAINOA - PH II	HAINOA PL KONA HI 96740	(3)7-02-025:006	Final	12/02/04
5512	HAZEN CONDOMINIUM	881 KAI HELE KU ST LAHAINA HI 96761	(2)4-07-010:003	Final	12/21/04
5487	HO'IKE'ANA MAHINA HAKU CONDO	88 KAHIPO PL HAIKU HI 96708	(2)2-07-005:001	Cont Final	12/21/04
5518	HOKULANI GOLF VILLAS	LIPOA PKWY KIHEI HI 96753	(2)2-02-024:012	Prelim	12/21/04
5537	HOLOMOANA AT SEA COUNTRY	PAKEKE ST WAIANAHI HI 96792	(1)8-07-010:021	Cont Final	12/29/04
5420	ISLANDER ON THE BEACH	484 KUHIO HWY KAPAA HI 96746	(4)4-03-002:013	Final	12/30/04
5522	KANANI ESTATES	442 KANANI PL HONOLULU HI 96817	(1)1-08-002:015	Final	12/02/04
5443	KEKAHA BEACH CONDOMINIUM	8244 ELEPAIO RD KEKAHA HI 96752	(4)1-03-003:024	Final	12/10/04
5526	LANAKILA LOT 2 ESTATES	301 KIHAPAI ST/312 LANAKILA RD KAPAA HI 96746	(4)4-01-016:039	Final	12/14/04
5444	NANILOA ESTATES	55-691 WAHINEPEE ST LAIE HI 96762	(1)5-05-009:038	Final	12/15/04
4584	ROYAL GARDEN AT WAIKIKI	440 OLOHANA ST HONOLULU HI 96815	(1)2-06-016:039	Suppl 2	12/08/04
5542	THE FAIRWAYS AT MAUNA LANI	68-1125 N KANIKU DR KOHALA HI 96743	(3)6-08-022:005	Cont Final	12/14/04
5228	VILLAS AT KAHANA RIDGE THE	HO'OHUI ROAD KAHANA HI	(2)4-03-021:082	Final	12/21/04
5521	WAIKOLOA BEACH VILLAS THE	WAIKOLOA BEACH DR WAIKOLOA HI	(3)6-09-008:013	Cont Final	12/07/04
5538	WALAKA APARTMENTS	52 WALAKA ST KIHEI HI 96753	(2)3-09-016:014	Final	12/21/04
5474	WEST MAUI BREAKERS THE	3702 LWR HONOAPIILANI RD LAHAINA HI 96731	(2)4-03-006:002	Prelim	12/01/04
5503	YAMANE ESTATES	4190 KAANA ST LIHUE HI 96766	(4)3-06-018:060	Final	12/01/04
4547	VILLAGES AT MAUNA LANI THE	68-1025 N KANIKU DR KOHALA HI 96743	(3)6-08-022-004	Supp 11	12/14/04

Preliminary Reports: 2
 Contingent Final Reports: 4
 Final Reports: 17
 Supplementary Reports: 2

Total: 25

Project Statistics

Project statistics for CPR filings received during the first quarter of fiscal year 2005 was distributed for informational purposes.

Condominium Consultants

Project statistics for developer's public reports issued effective dates or pending by consultant were distributed for informational purposes.

Letter from County of Kauai Real Property Assessment

The Commission is in receipt of an email received from Kim Hester, Appraiser IV with the County of Kauai Real Property Assessment office informing the Commission that recently all of the final public reports they have received have also included a CPR map and thanked the Commission if it is a new or existing requirement enforced by the Commission. The documents normally sent to their office from the Bureau of Conveyances rarely include the required maps and when the County of Kauai Real Property Assessment office requests a copy from the Bureau, they are normally met with resistance and are invited to pay a fee and search for the map they are interested in.

Specialist Yee informed the committee that the Commission's CPR information packet reminds the developer's to submit drafts of their public report and maps to the appropriate county agencies.

The County of Kauai Real Property Assessment office is also requesting that the Real Estate Commission require that only one underlying parcel can be used for CPR development and any additional parcels used be required a separate declaration.

The committee directed staff to prepare a standard advice, education, referral response including a recommendation to the county that it consider introducing legislation to address its expressed concerns.

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

Specialist Yee reported that the proposed recodification bill was delivered to the House and Senate Consumer Protection committees on January 7, 2005.

Government and Legislative Participation and Report

SEO Kimura reported that there will be many condo bills this session. Some bills may be using the existing law which may be affected should the recodification bill go through. The recodification bill also has a delayed implementation date of 2006, an education programs budget request of \$100,000 this fiscal year, and \$50,000 for next fiscal year is included in the proposed bill.

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:

Condominium Management Education Fund – September 30, 2004

Upon a motion by Commissioner Nishihara, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend approval to accept the pro forma report of the Condominium Management Education Fund dated January 12, 2005, subject to audit.

Next Meeting:

February 9, 2005
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 Kagawa adjourned the meeting at 11:26 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

February 9, 2005

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____