

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: April 13, 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: Mitchell Imanaka, Chair, Broker / Honolulu Commissioner
Kathleen Kagawa, Vice Chair, Broker / Honolulu Commissioner
Louis Abrams, Broker / Kauai Commissioner
John Ohama, Broker, Honolulu 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

Others: Camille Chun Hoon, DOH – Executive Office on Aging

Absent: Vern Yamanaka, Broker / Hilo Commissioner
Carol Mae Ball, Broker / Maui Commissioner

Call to Order: Chair Imanaka called the meeting to order at 10:58 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:

4.b. AOA Registration – Sample Online Registration forms

6.c. Hawaii Condominium Bulletin

Minutes: Upon a motion by Commissioner Nishihara, seconded by Commissioner Okawa, it was voted on and unanimously carried to accept the minutes of the March 9, 2005 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

Request for Funding for Condominium Resource Guide/Publication in Connection with Senate Concurrent Resolution No. 79 – State of Hawaii Executive Office on Aging

Ms. Camille Chun Hoon of the Executive Office on Aging reported to the committee that Senate Concurrent Resolution 79 requests that the Executive Office on Aging, in collaboration with the Real Estate Commission, convene a task force to develop a program and reference guide to assist in the dissemination of information regarding the issues, needs and concerns related to aging-in-place, particularly in condominiums, housing cooperatives, and other high density living environments. The Real Estate Commission previously requested that the Executive Office on Aging take the lead in this project. Ms. Chun Hoon distributed a copy of standing committee report no. 1438 regarding SCR No. 79, SD1 for the committee's reference. She further noted that standing committee report no. 1438 states that the committees have amended the measure by requesting the task force to publish information regarding elderly care services and resources, including a guide to educational materials about aging issues, with the costs of publication covered by the Real Estate Commission budget.

Ms. Chun Hoon noted that there has been an increase in elderly adults over the age of 60 and that on Oahu, the condominium population of persons over the age of sixty is in excess of 41,000. The Community Association Institute's website also notes a national growth which expects to increase by 45% in the next 45 years. The legislature in SCR No. 79 felt a need for the condominium population to assist with the education about older communities in condominiums. The task force will help condominium associations and managers to deal with the aging issue.

The DOH, EOA is requesting \$5,000 from the Condominium Education Fund to print 2000 color guides and any materials association with the task force work on SCR 79. One copy of the color guide is to be provided to each registered condominium association having five or more units in this state. In the alternative, if the Legislature believes it is not necessary for the EOA, DOH to be required to publish these programs and reference guides, assessments and/or surveys, the EOA is willing to develop the materials at its own expense and turn the product over to the Real Estate Commission to publish and retain republication rights for the materials.

Commissioner Okawa questioned whether the Executive Office on Aging has looked into any other source of funding.

Ms. Chun Hoon responded that they are exploring other avenues of funding.

SEO Kimura replied that the condominium education fund expenditures are under constant review and any proposal needs to meet §514A-131. The resolution as it stands now reaches out to others besides the condominium community. The Commission will need assurance that the amount funded will be utilized for the condominium community only.

Ms. Chun Hoon replied that the committee has suggested as an alternative that the task force complete the preparation of the material and turn over the material to the Real Estate Commission for printing and distribution.

Chair Imanaka questioned the time frame for the publication of the guide.

Ms. Chun Hoon replied that there is no time frame set in the committee report, but the task force is anticipating attaching a draft of the guide as an addendum to the report submitted to the legislature prior to the next legislative session.

Upon a motion by Commissioner Ohama, seconded by Commissioner Okawa, it was voted on and unanimously carried to recommend approval to grant the Executive Office On Aging, State of Hawaii's request dated March 30, 2004 and recommend approval to expend \$5,000 from the Condominium Education Fund (CEF) to print 2000 color guides and any materials associated with the task force work on SCR 79 (2005), subject to the availability of the CEF funds, approval and budgetary constraints of the Department and the Commission, and the decision of the 2005 Legislature. In the alternative, should the resolution fail to pass the 2005 legislature, refer the request to the Condominium Review Committee for consideration and inclusion as part of the Commission's program of work for fiscal years 2005 and 2006.

AOAO Registrations

Specialist Leong reported that as of March 31, 2005, 1500 AOAOs have successfully registered for the 2003-2005 Biennial registration.

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

Destiny at Kapanoe	3/9/2005
Hotel Molokai	3/24/2005
Windsor The (fka Halenohona)	3/16/2005

Real Estate Specialist Yamashiro reported that the AOAO Reregistration has been available online since April 4, 2005. The registration due date is May 31, 2005. A sample printout of the online registration was distributed for informational purposes. Specialist Yamashiro further reported that 24 online registrations have been received to date. Wailea Ekolu was the first AOAO to register online. It was also reported that staff is working with Certified Management to register their 280 associations online.

SEO Kimura reported that AOA registration is the most lengthy and complicated online registration for the department. In the off season, staff has worked with the two largest managing agents to get their concerns and suggestions and have them register their associations online. HIC, the vendor of the online registration is currently working on creating a pre-filled payment screen for Certified Management as a result of these off season meetings.

Condominium Seminars – Evaluation "Alternative Dispute Resolution & Act 119, the New Contractor Repair Act" March 24, 2005 CAI Hawaii

Seminar evaluation sheets were distributed for informational purposes. Specialist Leong reported that the seminar did not meet her expectations. Two of the three speakers did not provide any written material to follow along with and the third speakers printout was not all that clear.

Condominium Seminars – "ABC Basics Course" Approval of Additional 2005 CAI Seminar, June 4, 2005

Upon a motion by Commissioner Okawa, seconded by Commissioner Ohama it was voted on and unanimously carried to recommend approval as a CEF subsidized seminar subject to the availability of funds and the terms and conditions of the existing contract.

Case Law Review Program

The article titled "Pole Position" from the March April 2005 issue of *Common Ground* was distributed for informational purposes:

Condominium Related Articles

The following articles from the March April 2005 issue of *Common Ground* were distributed for informational purposes: "The Condo Czar" and "Legislative and Regulatory News "Florida: Condo Advisory Council."

Condominium
Project
Registration:

Condominium Project Registration - Public Reports Issued

Chair Imanaka recused himself from discussion and voting on CPR Numbers 1099, 5469, and 5390. Commissioner Loudermilk recused herself from discussion and voting on CPR Numbers 5175 and 5612. Upon a motion by Commissioner Kagawa, seconded by Commissioner Okawa, it was voted on and carried to recommend approval to ratify issuance of effective dates for developer's public reports for the month of March 2005 as follows:

Proj No	Project Name	Project Address	TMK #	Report	Date
5596	1022 9TH AVENUE	1022A & 1022B 9TH AVENUE HONOLULU HI 96816	(1)3-02-012:056	Final	03/23/05
5560	2030 FERN STREET	2030 FERN ST HONOLULU HI 96826	(1)2-07-002:008	Final	03/10/05
5610	2043 & 2045 PUNA STREET	2043 PUNA ST HONOLULU HI 96817	(1)1-08-035:017	Final	03/18/05
5564	3261 & 3261 A KILIHUNE PLACE	3261 KILIHUNE PL HONOLULU HI 96816	(1)3-03-047:073	Final	03/16/05
5605	53-012 POKIWAHAI PLACE	53-012 POKIWAHAI PLACE HAUULA HI 96717	(1)5-03-014:024	Final	03/18/05

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5581	846 & 848 TWENTIETH AVENUE	846 TWENTIETH AVE HONOLULU HI 96816	(1)3-02-053:050	Final	03/10/05
1099	ALOHA SURF HOTEL	444 KANEKAPOLEI ST HONOLULU HI 96815	(1)2-06-021:016	Suppl 2	03/18/05
5573	ARAKAKI FAMILY CONDOMINIUM	524 KAI HELE KU ST LAHAINA HI 96761	(2)4-07-009:031	Final	03/03/05
5578	AWAPUHI ESTATES	6355 OPAKEAA RD KAPAA HI 96746	(4)4-02-006:151	Final	03/17/05
5611	BALI HAI VILLAS PHASE VIII	4970 PEPELANI LP PRINCEVILLE HI 96722	(4)5-04-005:036	Final	03/29/05
5069	BEACH VILLAS AT KAHALU'U THE	78-6721 ALII DR KAILUA KONA HI 96740	(3)7-08-014:086	Suppl 2	03/02/05
5599	CAPITOL PLACE	1200 QUEEN EMMA ST HONOLULU HI 96814	(1)2-1-009:011	Final	03/16/05
5603	DELMONTE PLACE XI	716 & 718 JUDD ST HONOLULU HI 96817	(1)1-08-020:043	Final	03/10/05
5455	H&H CONDOMINIUM	125 KUMU NIU PLACE LAHAINA HI 96761	(2)4-07-010:003	Suppl 1	03/15/05
5577	HARTLEY ESTATE	LOT 20-M-5-A WAILUA HI	(4)4-02-006:012	Final	03/29/05
5519	HO'OLU LANDING AT MAKAKILO	PALAHIA STREET MAKAKILO HI 96707	(1)9-02-019:060	Suppl 1	03/08/05
5598	KAWAIHAU CONDO	5105 KAWAIHAU RD KAPAA HI 96746	(4)4-06-018:062	Final	03/21/05
5604	KAWELA MAUKA MAKAI	57-513 KAMEHAMEHA HWY KAHUKU HI 96731	(1)5-07-005:002	Final	03/29/05
5583	KE KAILANI I	PENDING HI	(3)6-08-022:039	Prelim	03/17/05
5175	KIKAUA POINT COTTAGE	LOT A-1 KUKIO PHASE 1-A SUBDIV N KONA HI	(3)7-02-019:022	Final	03/28/05
4638	KILAUEA BAY VISTAS CONDO	LOT 12-C WAILAPA SUBDIV KILAUEA HI	(4)5-01-005:016	Suppl 2	03/03/05
5570	KIMBALL CONDOMINIUM	LOT 18 PUUPILO RD KAPAA HI	(4)4-02-022:060	Final	03/14/05
5018	KIPLING'S COTTAGES	76-6027 MAMALAHOA HWY HOLUALOA HI 96725	(3)7-06-005:005	Suppl 1	03/23/05
5591	KO OLINA HILLSIDE VILLAS	92-1520 ALII NUI DR KAPOLEI HI 96707	(1)9-1-056:013	Prelim	03/09/05
5612	KUA'AU COTTAGES	MILE MARKER 87 QUEEN KAAHUMANU KAILUA KONA HI 96740	(3)7-02-017:015	Final	03/23/05
5589	KULALANI AT MAUNA LANI	68-1118 N KANIKU DR KOHALA HI	(3)6-08-022:007	Prelim	03/10/05
5211	LANAKILA ESTATES	1747B & 1747B-1 LANAKILA ST HONOLULU HI 96817	(1)1-07-041:030	Suppl 1	03/31/05
5597	LOFT @ WAIKIKI	427 LAUNI U ST HONOLULU HI 96815	(1)2-06-017:068	Cont. Final	03/23/05
5502	LOT 127	4106 KAWILI STREET LIHUE HI 96766	(4)3-06-020:038	Final	03/02/05
5606	MALAE MAKAI	LOT 107 MOLOKOA SUBDIV UNIT 3 LIHUE HI 96746	(4)3-06-019:049	Final	03/28/05
5491	NA HALE AT KAHIKOLE - PHASE II	KAHIKOLE STREET KAUPULEHU-KONA HI	(3)7-02-003:013	Final	03/11/05
5600	NOHONA KAI AT MAUNA LANI	68-1311 NORTH PAUOA RD KOHALA HI	(3)6-8-022:003	Prelim	03/21/05
5508	PAPALI WAILEA	3100 WAILEA ALANUI DR WAILEA HI	(2)2-01-008:084	Cont. Final	03/09/05
5469	PENINSULA AT HAWAII KAI - PROJ IV	520 LUNALILO HOME RD HONOLULU HI 96825	(1)3-09-008:016	Final	03/30/05
4520	PORTER'S CONDOMINIUM	6110 KAWAIHAU RD KAPAA HI 96746	(4)4-06-032:012	Suppl 1	03/24/05
5595	SCHURCH ESTATES CONDO	LOT 6 KALAHEO HI	(4)2-03-003:024	Final	03/14/05
5520	THE HOTEL HANA-MAUI CONDO	5031 HANA HWY HANA HI 96713	(2)1-04-004:022	Final	03/11/05
5390	WAIPOULI BEACH RESORT (PH VIII)	4-818 KUHIO HWY KAPAA HI 96746	(4)4-03-008:001	Final	03/31/05

Preliminary Reports: 4
 Contingent Final Reports: 2
 Final Reports: 24
 Supplementary Reports: 8

Total: 38

Condominium Consultants

Specialist Yee reported that the procurement process has been completed and contracts have been awarded to 9 condominium consultants. The nine consultants include Glenn Adachi, Kenneth Chong, Terry Day, Galen Leong, Michael Sakai, Lloyd Sodetani, Grant Tanimoto, Michael Tsubata and Kenneth Wong. Effective May 16, 2005 the compensation for condominium consultants will increase to \$900 per submission. The last increase in pay for condominium consultants occurred in 1990. The review process of the project submission since then has become more complex. The contract cap per fiscal year is up to \$50,000. Specialist Yee further reported that those not selected will remain on the Commission's list of possible applicants.

Hawaii's Building Codes Vary from County to County – Excerpt from testimony on House Concurrent Resolution 79, March 16, 2005

The excerpt was distributed for informational purposes.

Program of Work:

Recodification of Chapter 514A

Chair Imanaka reported that the recodification bill has passed the appropriate committees and is now in conference. He further thanked Vice Chair Kagawa for her participation and attendance at the hearings.

Hawaii Condominium Bulletin

The March 2005 issue of the Condominium Bulletin was distributed for informational purposes.

Legislative Acts and Resolutions

A report was presented at the Laws and Rules Review Committee meeting. SEO Kimura further reported that background information has been received on Real Estate Commission member nominee Brian Forrest. Mr. Forrest currently holds a mortgage solicitor license.

Neighbor Island Outreach

The June 2005 committee meetings are scheduled to be held on June 14, 2005 at the National Energy Laboratory on the Big Island.

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: No report presented.

Next Meeting: May 11, 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

The Real Estate Commission meeting will be held on May 24, 2005.

Adjournment: With no further business to discuss, Chair Imanaka adjourned the meeting at 11:20 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

May 11, 2005

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____