

**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: September 14, 2005

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: Kauai Planning Commission's Meeting Room No. 2  
Mo'ikeha Building  
4444 Rice Street  
Lihue, Kauai

Present: Stanley Kuriyama, Chair, Broker / Honolulu Commissioner  
Michele Sunahara Loudermilk, Vice Chair, Public / Honolulu Commissioner  
Louis Abrams, Broker / Kauai Commissioner  
Kathleen Kagawa, Broker / Honolulu Commissioner  
Carol Mae Ball, Broker / Maui Commissioner

Cynthia Yee, Senior Condominium Specialist  
Diane Choy Fujimura, Senior Real Estate Specialist  
Shari Wong, Deputy Attorney General  
Irene Kotaka, Recording Secretary

Others: Lisen Berquist, Kawaihau Sports Villas  
Marsha Shimizu, Hawaii Association of REALTORS®

Absent: Trudy Nishihara, Broker / Honolulu Commissioner  
Iris Okawa, Public / Honolulu Commissioner  
Vern Yamanaka, Broker / Hilo Commissioner

Call to Order: Chair Kuriyama called the meeting to order at 10:02 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:

6. Program of Work, FY06  
m. Condominium Speakership Program

Minutes: Upon a motion by Commissioner Abrams, seconded by Commissioner Ball, it was voted on and unanimously carried to accept the minutes of the August 11, 2005 Condominium Review Committee meeting as circulated.

Condominium  
 Governance and  
 Management:

**AOAO Registrations**

Specialist Yee reported that as of August 31, 2005, 1,398 AOAOs have successfully registered.

Upon a motion by Commissioner Abrams, 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 August 31, 2005 for the 2005-2007 registration. The associations are as follows:

1242 MATLOCK	8/8/2005	541 LAUIKI	8/8/2005
ACACIA PARK	7/29/2005	ALII LANI	8/25/2005
BAMBOO (FKA KUHIOLANI APARTMENTS)	8/8/2005	CANTERBURY PLACE	8/16/2005
CARTER PROFESSIONAL CENTER	8/10/2005	CHANNEL HOUSE	8/4/2005
CHARLES R KENDALL OFF BLDG THE	8/10/2005	CROWN THURSTON	8/16/2005
DIAMOND HEAD HILLSIDE	8/2/2005	ELIMA LANI CONDOMINIUMS	7/11/2005
EMERALD PLAZA CONDOMINIUM	7/29/2005	FAIRWAY GARDENS	8/15/2005
FERN GARDEN	8/2/2005	FOSTER HEIGHTS VILLA	8/15/2005
HALE KAHAKAI APTS, HILO, HAWAII INC	8/9/2005	HALE KAI O'KIHEI	8/3/2005
HALE MAHINA BEACH RESORT	8/10/2005	HALE MAKALEI	8/16/2005
HALEMALU AT PUHI	8/2/2005	HARBOR VISTA APARTMENTS	8/2/2005
HASSINGER GARDENS	8/9/2005	HILLSIDE VILLA	8/8/2005
HOLIDAY MANOR	7/29/2005	HOLIDAY TERRACE	8/15/2005
HUI O PUPU A'O' EWA	8/17/2005	K KAYA APARTMENTS	8/9/2005
KA WAENA LAPAAU	8/9/2005	KAHALUU HILLSIDE	7/1/2005
KAHANA KAI THE	8/15/2005	KAI NUI COURT	8/15/2005
KALAMA VILLA	8/16/2005	KALIHI GARDENS	8/10/2005
KAMUELA HALE	8/4/2005	KAPIOLANI ROYALE	8/30/2005
KAWAIHAE CRESCENT EAST	8/8/2005	KE 'AINA KAI TOWNHOMES INCR 1-12	8/15/2005
KE NANI KAI	8/4/2005	KEAUHOU GARDENS INC	8/17/2005
KEAUHOU RESORT	8/10/2005	KEWALO HALE	8/5/2005
KIHEI GARDEN ESTATES	8/4/2005	KIHEI HOLIDAY	8/30/2005
KIHEI KAI	8/3/2005	KIHEI MANOR	8/1/2005
KIHEI SANDS CONDOMINIUM	7/29/2005	KONA BY THE SEA	8/10/2005
KONA ONENALO	8/2/2005	KONA PALMS	8/11/2005
KONA PLAZA	8/10/2005	KONA SHORES CONDOMINIUM	8/16/2005
KUAKINI MEDICAL PLAZA	8/11/2005	KUAU PLAZA CONDOMINIUM	8/4/2005
KULAKANE APARTMENTS	8/30/2005	KUNIA GARDENS	8/10/2005
LA PIETRA	8/1/2005	LAKEVIEW TERRACE	8/8/2005
LELE PONO	7/28/2005	LIOLO	8/15/2005
MAALAEA KAI INC	8/1/2005	MAALAEA MERMAID	8/10/2005
MAALAEA SURF	8/3/2005	MAALAEA YACHT MARINA	8/24/2005
MAHINAHINA BEACH	8/1/2005	MAKAHA SURFSIDE	8/16/2005
MAKAKILO GARDENS INCR NO 2	8/12/2005	MAKIKI APARTMENTS	8/8/2005
MASTERS AT KAA NAPALI HILLSIDE THE	8/2/2005	MAUNALOA SHORES	8/23/2005
MILILANI PARKWAY	8/23/2005	MOANALUA ESTATES	8/2/2005
MOLOAA HUI I	8/17/2005	MOLOAA HUI II	8/17/2005
NAHELE LIHI	8/25/2005	NAMAHANA TERRACE	8/8/2005
NAPILI GARDENS	8/10/2005	NAPILI POINT	8/3/2005
NAPILI POINT II	8/3/2005	NAPILIHOU VILLAGES I	8/4/2005
NAURU TOWER	8/16/2005	NOELANI	8/4/2005
NUUANU PLACE	8/18/2005	OCEAN VIEW	8/8/2005
ONE ARCHER LANE	8/12/2005	ONE KALAKAUA SENIOR LIVING	8/5/2005
PAAUILO VILLAGE CONDOMINIUM	8/17/2005	PALM DRIVE	8/15/2005
PARKVIEW SQUARE	8/15/2005	PEARL HARBOR GARDENS	8/2/2005
PIIKOI ATRIUM THE	8/4/2005	PINES AT KAILUA-KONA I THE	8/8/2005
PIRES PLACE	8/16/2005	POMAIKAI	8/15/2005
PRINCE LUNALILO CONDOMINIUMS	8/9/2005	PUNAEHELE PROFESSIONAL BLDG	8/9/2005
PUNAHOU CLIFFS	8/15/2005	PUUHALE GARDENS	8/9/2005
QUEEN'S VILLA	8/17/2005	REGENCY PARK	8/16/2005
ROYAL PALM AT WAIPIO THE	8/16/2005	SEASCAPE AT MAKAKILO	8/18/2005
SEVENTEEN SEVENTEEN ALA WAI	8/15/2005	SLEEPY HOLLOW	8/30/2005
SOUTHPOINTE AT WAIAKOA	8/16/2005	SPRECKLES ST WEST	8/10/2005
SUGAR COVE THE	8/3/2005	SUMMIT AT KANEOHE BAY	8/15/2005
SUNSET PAUMALU ESTATES	8/11/2005	VALLEY ISLE RESORT CONDO	8/1/2005

VALLEY VIEW ESTATES	8/2/2005	VILLAS AT KE ALAULA THE	8/2/2005
VILLAS AT KEAHOE ESTATES	8/10/2005	VILLAS OF KAMALI'I	8/10/2005
VISTA WAIKOLOA	8/11/2005	WAHIAWA MEDICAL BUILDING	8/16/2005
WAIKU GARDEN VILLA	8/18/2005	WAIKIKI BEACHSIDE	8/29/2005
WAIKIKI MARINA (FKA THE WESTBURY)	8/23/2005	WAIKOLOA HILLS CONDOMINIUM	8/23/2005
WALEA FAIRWAYS VILLAS	8/24/2005	WALEA POINT VILLAGE	7/28/2005
WAILUKU PARK TOWNHOUSES	8/17/2005	WILDER HOUSE	8/23/2005
WILDER REGENT	8/4/2005	WINDWARD COVE	8/16/2005
YACHT CLUB TERRACE	8/23/2005		
<b>Total:</b>	<b>127</b>		

### **Condominium Seminars and Symposiums**

Seminar evaluations for CAI Hawaii's "Developing Issues for Community Associations and Their Managers, Attorneys, CPAs and Insurance Agents" held on August 11, 2005 prepared by staff was distributed for informational purposes.

### **Case Law Review Program**

The following article from the August 2005 issue of Community Association Management Insider was distributed for informational purposes: "Association Can't Amend Leash Rule Without Member Vote."

### **Condominium Related Articles**

The following articles were distributed for informational purposes: "Do Your Homework" *Hawaii Community Associations* August 2005 and "Spell It Out" *Common Ground* July August 2005.

### **Florida's Regulation of Condominium Management and Governance**

As requested, this represents the first report on how other States are regulating, if any, common interest ownership and/or condominiums.

Information from the Florida's Department of Business and Professional Regulation, Department of Florida Land Sales, Condominiums and Mobile Homes website was distributed to the Commissioners for their information. Florida has a wide range of information on condominiums that is available on their website.

The State of Florida has the following;

- Condominium Ombudsman, appointed, assists in resolving disputes between unit owners and boards, provides information on rights and responsibilities of condominiums boards, AOA's, and unit owners;
- Advisory Council on Condominiums, 7 appointed members;
- Requires each AOA with more than 2 units to pay the Division an annual fee of \$4.00 for each residential unit, with a 10% penalty if not paid on time;
- Division utilizes the fees to pay for education programs for condominium and cooperative board members and unit owners, by contracting with CAI, a private vendor, courses are free to unit owners;
- Division has a program to certify both volunteer and paid mediators to provide mediation services to condominiums and cooperatives, all AOA covenant disputes must be filed with Division before going to court, \$200 filing fee + administrative costs;
- All AOA elections and recall disputes must be filed with the Division for mandatory binding arbitration, \$200 filing fee + administrative costs;
- Also recently required the licensing of community association managers, which includes board members, officers, and any unit owner who conducts

management activity, application to be filed with fingerprint card for criminal background check, complete 18 hours of education and pass exam, something that the State of Hawaii is looking into. The Hawaii State Legislature passed a resolution during the 2005 Legislative Session to have a sunrise review conducted by the Legislative Auditor's Office on condominium association managers.

It was also suggested that the Commission look at item 6 of the Frequently Asked Questions which answers the question, "If I have been convicted of a crime, can I get a CAM license?"

Information from other jurisdictions will be distributed to the Commissioners in the future for their information.

**CAI Brochure for Condo Buyers**

A copy of the brochure, "Community Matters – What You Should Know Before You Buy," which was produced by the Community Associations Institute was distributed to the Commissioners for their information. The brochures, which were purchased by the CEF, will be distributed to potential condominium purchasers and real estate licensees with encouragement to distribute and read prior to purchasing any condominium apartment.

The Commission has a booklet entitled, "An Introduction to Condominium Living in Hawaii," which needs to be updated. Discussion followed about continuing work with the licensees in disseminating more information to the consumers regarding living in condominiums.

Condominium  
 Project  
 Registration:

**Condominium Project Registration - Public Reports Issued**

Commissioner Abrams moved to recommend approval to ratify the issuance of effective dates for developer's public reports for the month of August 2005, with the exception of Project No. 4972, Na Hale at Pauoa and Project No. 5753, Kauai Beach Resort, as listed below and to recommend deferring approval to ratify Project No. 4972, Na Hale at Pauoa and Project No. 5753, Kauai Beach Resort, to the September 23, 2005 Real Estate Commission meeting.

Proj No	Project Name	Project Address	TMK #	Report	Date
5759	2142 CALIFORNIA AVENUE	2142 CALIFORNIA AVE WAHIAWA HI 96786	(1)7-05-024:002	Final	08/18/05
5614	2804 NUMANA ROAD	2804 NUMANA RD HONOLULU HI 96819	(1)1-04-017:011	Final	08/04/05
5740	2825 PARK STREET	2825 PARK ST HONOLULU HI 96817	(1)2-02-035:035	Final	08/10/05
5696	35 MAHANALUA NUI CONDOMINIUM	LOT 35, MAHANALUA NUI LAHAINA HI	(2)4-06-010:003	Final	08/11/05
5744	51-446 KEKIO ROAD	51-446 KEKIO RD KAAAWA HI 96730	(1)5-01-011:018	Final	08/03/05
5730	85-205 MAHINA AU ROAD	85-205 MAHINA AU RD WAIANA E HI 96792	(1)8-05-016:014	Final	08/08/05
5760	89 HO'OKELE	89 HOOKELE ST KAHULUI HI 96732	(2)3-08-084:007	Final	08/24/05
5763	902D PROSPECT	902D PROSPECT ST HONOLULU HI 96822	(1)2-02-004:011	Final	08/24/05
5699	ALCOS ESTATES	91-857 POHAKUPUNA RD EWA BEACH HI 96706	(1)9-01-025:069	Final	08/04/05
5757	ARMSTRONG MILL TOWN	94-465 KOAKI ST WAIPAHU HI 96797	(1)9-04-160:017	Final	08/12/05
5645	BAMBOO VALLEY I	LOT 107 KAWAIIHAWI HI 96746	(4)4-04-003:011	Final	08/18/05
5708	GLACIER BAY CONDOMINIUM	LOT 7 KALIHAWI	(4)5-03-003:047	Final	08/23/05

Condominium Review Committee Minutes  
Meeting of September 14, 2005  
Page 5

5736	GUSHIKEN CONDOMINIUM	KILAUEA HI 96754 3183 HIKINA RD KOLOA HI 96746	(4)2-06-008:009	Final	08/01/05
5723	HALI`I KAI (PHASE I)	69-1029 NAWAHINE PL WAIKOLOA HI 96738	(3)6-09-010:001	Cont Final	08/16/05
5751	HANALIKE I	45-507 LIKELIKE HWY KANEHOE HI 96744	(1)4-05-071:007	Final	08/23/05
5704	HAPPY VALLEY VILLAGE	341 N MARKET ST WAILUKU HI 96793	(2)3-04-033:009	Final	08/24/05
5707	HIDDEN VALLEY	6440 KIPAPA RD KAPAA HI 96746	(4)4-04-008:005	Final	08/15/05
5519	HO`OLU LANDING AT MAKAKILO	PALAHIA STREET MAKAKILO HI 96707	(1)9-02-019:060	Final	08/29/05
5537	HOLOMOANA AT SEA COUNTRY	PAKEKE ST WAIANAE HI 96792	(1)8-07-010:021	Final	08/25/05
5745	HONU KAI CONDO (BLDG SE-A)	LOT 4 KAANAPALI HI	(2)4-04-014:006	Prelim	08/25/05
5746	HONU KAI CONDO (BLDG SE-B)	LOT 4 KAANAPALI HI	(2)4-04-014:006	Prelim	08/25/05
5747	HONU KAI CONDO (BLDG SE-C)	LOT 4 KAANAPALI HI	(2)2-04-014:006	Prelim	08/25/05
5520	HOTEL HANA-MAUI CONDOMINIUMS	5031 HANA HWY HANA HI 96713	(2)1-04-004:022	Suppl 1	08/11/05
5742	KA LA`I O KAILUA	1005 KAILUA RD KAILUA HI 96734	(1)4-2-003:011	Final	08/24/05
5686	KAHULUI PROFESSIONAL SUITES	MAKANI ST KAHULUI HI 96732	(2)3-08-080:009	Cont Final	08/24/05
5492	KAI NANI AT MAKAKILO	MAKAKILO DR KAPOLEI HI	(1)9-02-019:044	Final	08/03/05
5594	KALANI KAI	6180 KAWAIHAU RD KAPAA HI 96746	(4)4-06-032:037	Final	08/12/05
5718	KALOKO BUSINESS CENTER V	73-5617 MAIAU ST KAILUA KONA HI 96740	(3)7-03-051:095	Final	08/08/05
5714	KAMEHAMEHA HIGHWAY	51-474 KAMEHAMEHA HWY KAAAWA HI 96730	(1)5-01-011:042	Final	08/03/05
5753	KAUAI BEACH RESORT	4331 KAUAI BEACH DR LIHUE HI 96766	(4)3-07-003:015	Final	08/31/05
5227	KEA HONU	82-1064 KILOA ROAD CAPT COOKE HI 96704	(3)8-02-001:076	Suppl 1	08/26/05
5706	KO OLINA KAI GOLF ESTATES & VILLAS PH IV	92-1065 KOIO DR KAPOLEI HI 96707	(1)9-01-056:005	Final	08/04/05
5758	KOLEA CONDOMINIUM VILLAS BUILDING NO 1	69-1000 KOLEA KAI CIR WAIKOLOA HI 96738	(3)6-09-011:019	Final	08/26/05
5641	KOULA	3844 KOULA RD HANAPEPE HI 96716	(4)1-09-005:019	Final	08/15/05
5721	LOVETT PLANTATION ESTATE	5949 KINI PL KAPAA HI 96746	(4)4-06-007:100	Final	08/08/05
5541	MAKANA HO`OHUA CONDOMINIUM	WAWAE RD KALAHEO HI 96741	(4)2-04-005:147	Suppl 1	08/04/05
3756	MOLOAA HUI I	KUHIO HWY KAWAIHAU HI 96754	(4)4-09-009:001	Suppl 2	08/29/05
5732	MONTECITO/TUSCANY II (MONTECITO PH 5)	KANELA ST EWA BEACH HI 96706	(1)9-01-010:007	Prelim	08/01/05
5754	MONTECITO/TUSCANY II (MONTECITO PH 6)	KANELA ST EWA BEACH HI 96706	(1)9-01-010:007	Prelim	08/05/05
5755	MONTECITO/TUSCANY II (MONTECITO PH 7)	KANELA ST EWA BEACH HI 96706	(1)9-01-010:007	Prelim	08/05/05
5733	MONTECITO/TUSCANY II (TUSCANY PH 5)	KANELA ST EWA BEACH HI 96706	(1)9-01-010:007	Prelim	08/01/05
5695	MULHOLLAND CONDOMINIUM	121 AWAIKU ST LAHAINA HI 96761	(2)4-07-009:007	Final	08/08/05
4972	NA HALE AT PAUOA BEACH	PAUOA WAY KOHALA HI 96755	(3)6-08-034:024	Suppl 2	08/04/05
5461	NOHONA AT MILILANI MAUKA - PH I	UKUWAI ST MILILANI HI 96789	(1)9-05-049:027	Final	08/05/05
5762	OCEAN/KANA GARDEN CONDOMINIUM	862 OCEAN VIEW DR HONOLULU HI 96816	(1)3-02-035:054	Final	08/31/05
5727	PALMS AT WAIKIKI	1850 ALA MOANA BLVD HONOLULU HI 96815	(1)2-06-012:003	Cont Final	08/04/05
5748	POIRSON ESTATES	258 AINA LANI PL KAPAA HI 96746	(4)4-02-015:036	Final	08/26/05
5340	SEA ISLAND HOMES 1 CONDOMINIUM	LOT 90 MOLOKOA SUBD LIHUE HI 96766	(4)3-6-018:061	Suppl 1	08/15/05
5521	WAIKOLOA BEACH VILLAS THE	WAIKOLOA BEACH DR WAIKOLOA HI	(3)6-09-008:013	Final	08/15/05

Preliminary Reports: 7  
Contingent Final Reports: 3  
Final Reports: 33  
Supplementary Reports: 6

Total: 49

Commissioner Kagawa seconded the motion. The motion was voted on and carried.

#### **86-912-A & 86-912-B Pukui Place**

Discussion on this matter was deferred to later in the meeting.

Program of Work: **Recodification of Chapter 514A - Letter from George Y. Chatani, August 12, 2005**

A copy of Mr. Chatani's letter, dated August 12, 2005, was distributed to the Commissioners for discussion. In his letter, Mr. Chatani asked if the Commission was planning to introduce a bill to the 2006 Legislature based on his proposed amendments to Chapter 514A, HRS.

It was recommended that the staff respond to Mr. Chatani that the Commission is anticipating additional comments and suggestions on the recodification of Chapter 514A, HRS; at this point in time, they will not be submitting a proposed bill to the Legislature; and it was suggested that Mr. Chatani contact his legislators to submit a bill on his behalf.

#### **Condominium Speakership Program**

The City and County of Honolulu's Chair, Donovan Dela Cruz, had requested staff's participation in their Agricultural Task Force Meeting. The Task Force and other invited parties discussed problems and solutions facing farmers.

REB Staff will also be meeting with principal brokers and brokers-in-charge who are members of the Kauai Board of REALTORS on Thursday, September 15, 2005, to discuss the registration of condominium projects. Approximately 50 licensees will be attending the meeting.

#### **Condominium Specialist Office for the Day**

Chair Kuriyama announced there will be a Condominium Specialist Office for the Day tomorrow from 12:30 p.m. to 2:30 p.m. at the Kauai Board of Realtors office.

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: Lisen Berquist of the Kawaihau Sports Villa was present with questions relating to the recodification of Chapter 514A, HRS. Ms. Berquist asked the Commissioners if there had been a substantial amount of change from what was proposed for Chapter 514A, HRS, and what had actually been approved. She was informed that there had not been a substantial change.

Ms. Berquist also inquired about the condominium mediation program. Ms. Berquist was informed that each condominium owner pays into the Condominium Management Education Fund, which allows the Commission to retain the services of various mediators on the various islands. The Commission has contracted with the Kauai Economic Opportunity to handle the mediation for the island of Kauai. Ms. Berquist was also informed that there is a condo court pilot project in which a person who is not satisfied with the outcome of the mediation can go through an administrative hearing process.

Ms. Berquist mentioned that there was a lawsuit that was filed against their association under the Americans with Disabilities Act. Their condominium documents states that if a handicapped person requests a change of the common element in order to gain access to an apartment, it will be as if it were approved if the matter was not disposed of within 60 days. There are requirements which need to be met if an owner is requesting a change to the common element, such as bonding, drawings need to be drafted by an engineer, etc. The individual requesting the change to common elements submitted a "magic marker" sketch to the board that was not approved because it did not contain specific details. The individual is saying that since the board did not deny his request during that 60-day period, his request is granted. Ms. Berquist said that she felt that this case could be mediated. The board is not denying the request, but since the individual filed the request based on access to the handicapped, they would like to ensure that it is ADA compliant.

When asked if a building permit had been obtained, Ms. Berquist stated that it was the individual's responsibility to obtain the building permit. This was part of a cesspool conversion project. There were requirements that needed to be met in order to grant the request, but the individual did not comply and filed discrimination charges against the association.

Commissioner Abrams informed Ms. Berquist that she should confirm with the Building Department about any required ADA compliance. It was uncertain whether or not an individual condo owner could apply for a building permit or if it were necessary for the association to apply for the permit.

The second issue which Ms. Berquist wanted to discuss related to access granted to a neighboring landlocked property. In the 1990s, the association had granted access to a neighboring property which was landlocked. The association had retained an attorney to draft and file the documents with the Department of Land and Natural Resources regarding the access. Exhibit A which was attached to the document was incorrect and was not what had been agreed upon by the parties. The original owner sold the lot. Exhibit A shows that the association has less common element space. Only 75% of the total owners voted on this. The original attorney was supposed to have fixed the error. The association is now faced with hiring a new attorney to correct the error. The association is willing to accept what is there now, but would like to have the documents corrected to reflect that. Ms. Berquist questioned if there was a clause that would allow for less than 100% approval if none of the parties loses in the situation.

Senior Specialist Yee informed Ms. Berquist that the Recodification law will apply mostly to new condominiums that are created on or after July 1, 2006. If they would like to use the new law, the board would have to figure out how to adopt it. Until such time, they will have to work with what is in existence now.

Ms. Berquist informed the Commissioners that their attorney had informed them that the law required 100%.

Ms. Berquist was advised to seek legal advice from their attorneys on their situation.

Chair Kuriyama noted that the case law that was mentioned previously involved an older case and advised Ms. Berquist and the association to seek legal advice.

Commissioner Loudermilk clarified that the change to the law allows the association board to decide if they will assess only certain owners or all the owners for the costs involving common elements.

Executive Session: Upon a motion by Commissioner Ball, seconded by Commissioner Loudermilk, 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 Abrams, seconded by Commissioner Loudermilk, it was voted on and unanimously carried to move out of executive session.

Condominium  
Project  
Registration:

**86-912-A & 86-912-B Pukui Place**

Upon a motion by Commissioner Loudermilk, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend that staff respond to Consultant Adachi that the Commission is inclined to disapprove the matter unless they receive persuasive evidence that the restricted covenants are not enforceable.

CEF Budget &  
Finance Report:

No report presented.

Next Meeting:

Wednesday, October 12, 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



Condominium Review Committee Minutes  
Meeting of September 14, 2005  
Page 9

Adjournment:               With no further business to discuss, Chair Kuriyama adjourned the meeting at 11:00 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

---

Cynthia M. L. Yee  
Senior Condominium Specialist

October 12, 2005

---

Date

Minutes approved as is.

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

CY/isk/050921