

**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: August 11, 2004

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

Iris Okawa, Public / Honolulu Commissioner  
Trudy Nishihara, Broker / Honolulu Commissioner  
Carol Mae Ball, Broker / Maui 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: George Chatani, Condominium owner

Absent: Vern Yamanaka, Broker / Hilo Commissioner  
John Ohama, Broker / Honolulu Commissioner

Call to Order: Chair Imanaka called the meeting to order at 10:45 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 Nishihara, seconded by Commissioner Kagawa, it was voted on and unanimously carried to accept the minutes of the July 14, 2004 Condominium Review Committee meeting as circulated.

Condominium  
Governance and  
Management:

### **AOAO Registrations**

Specialist Gruppen reported that as of July 31, 2004, 1,475 AOAOs have successfully registered.

Upon a motion by Commissioner Kagawa, 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 July 31, 2004 for the 2003-2005 registration. The associations are as follows:

Hale Kai O Hualalai Condo	7/20/04	Kukio Beach Club and Cottages	7/07/04
Laniakea Apartments	7/15/04	Makaha Village	7/02/04
Newtown Villa I	6/30/04	Villas at Kenolio Phase I	7/14/04

### **Condominium Seminars and Symposium – Evaluations**

Acknowledged staff's monitored observations and evaluations of the following Commission co-sponsored seminars offered through the Community Associations Institute Hawaii Chapter: "Legislative Update," "ABC Basic Course," and "Dealing with the Difficult Owner (or Board Member)."

CAI Hawaii Chapter will be offering a seminar titled "Ask the Experts" on Thursday, September 16, 2004 from 12:00 Noon to 1:30 p.m. at the Hale Koa Hotel. This seminar is a Commission subsidized seminar.

### **Case Law Review Program**

The following articles from the July 2004 issue of *Community Association Management Insider* were distributed for informational purposes: "When Fair Housing Laws Applies to Community Associations," "Court Declines to Follow Business Judgment Rule," "Association May Enter Member's Unit for Mold Remediation," and "Semi Annual Index."

The following articles from the June 2004 issue of *Community Association Law Reporter* were distributed for informational purposes: "Association Owes No Duty To Protect Against Obvious Risk," "Board Acted Within Scope of Its Authority," and "Owner May Sue Association for Racial Discrimination."

The article entitled "Foreclosure trap widening" downloaded from [the.honoluluadvertiser.com/article/2004/](http://the.honoluluadvertiser.com/article/2004/) was distributed for informational purposes.

### **Hearings Program**

Distributed for informational purposes was the Department of Commerce and Consumer Affairs News Release dated July 28, 2004 entitled "OAH to Test Condominium Dispute Resolution Pilot Program."

Condominium  
Project  
Registration:

### **Condominium Project Registration - Public Reports Issued**

Chair Imanaka recused himself from discussion and voting on projects numbered 5284, 5373, 4849, 5250, 5408, 5409, 5410, 5411, 5412, 5413, 5414, and 5390.

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

Proj No	Project Name	Project Address	TMK #	Report	Date
5395	1090 & 1090A LUAPELE DRIVE	1090 LUAPELE DR HONOLULU HI	(1)9-09-045:112 96818	Final	07/01/04
5406	1355 & 1355A MANU MELE STREET	1355 MANU MELE ST KAILUA HI	(1)4-02-051:053 96734	Final	07/07/04
5404	1414 PENSACOLA	1414 PENSACOLA ST HONOLULU HI	(1)2-04-017:053 96822	Final	07/22/04
5400	1596 & 1598 ALEWA	1596 ALEWA DR HONOLULU HI	(1)1-08-031:002 96817	Final	07/12/04
5244	17TH FAIRWAY VILLAS AT WAIKOLOA	68-3888 LUA KULA ST WAIKOLOA HI	(3)6-08-003:009 96738	Final	07/09/04
5415	2866 NUMANA	2866 NUMANA RD HONOLULU HI	(1)1-04-017:028 96812	Final	07/19/04
2363	3170 JERVES STREET	3170 JERVES ST LIHUE HI	(4)3-08-014:068 96766	Suppl 1	07/12/04
5396	4486 & 4488 LUAPELE PLACE	4486 LUAPELE PL HONOLULU HI	(1)9-09-048:115 96818	Final	07/01/04
5398	45-334A AND 45-334B MAHALANI ST	45-334A MAHALANI ST KANEHOE HI	(1)4-05-053:004 96744	Final	07/23/04
5399	6011 AND 6021 OLOHENA ROAD	6011 OLOHENA RD KAPAA HI	(4)4-04-010:029 96746	Final	07/15/04
5359	928 19TH AVENUE CONDOMINIUM	928 19TH AVE HONOLULU HI	(1)3-02-048:069 96816	Final	07/12/04
4245	ALDER VILLA	915 ALDER STREET HONOLULU HI	(1)2-03-012:08 96814	Suppl 1	07/08/04
5378	EWA OCEANSIDE	91-069 FORT WEAVER RD EWA BEACH HI	(1)9-01-005:011 96706	Prelim	07/01/04
5230	HAVENS OF I'I VISTAS II - PHASE IV	KO'OLANI DRIVE MILILANI HI	(1)9-05-049:056 9679	Final	07/12/04
5258	HAVENS OF I'I VISTAS II - PHASE V	KOOLANI DR MILILANI HI	(1)9-05-049:056 96789	Final	07/29/04
4215	HOOKEELE 76	73-4571 KUKUKI ST KAILUA-KONA HI	(3)7-03-024:076 96740	Suppl 1	07/28/04
5314	HU'ELANI PHASE 18	91-770 TO 91-782 LAUNAHELE ST EWA BEACH HI	(1)9-01-116:005 96706	Final	07/08/04
5334	HU'ELANI PHASE 19	91-766 & 91-768 LAUNAHELE ST EWA BEACH HI	(1)9-01-116:000 96706	Final	07/12/04
2346	KAPA'KA ROAD CONDOMINIUM	KAPAKA RD PRINCEVILLE HI	(4)5-03-008:002 96722	Suppl 1	07/23/04
5353	KEHALANI GARDENS	LOT B OF WAILUKU PROJ C-7 WAILUKU HI	(2)3-05-001:066	Cont Final	07/15/04
5284	KO OLINA KAI GOLF ESTATES & VILLAS	92-1065 KOIO DRIVE KAPOLEI HI	(1)9-01-056:005 96707	Suppl 1	07/09/04
5322	LAS BRISAS PHASE 15	91-578 TO 91-598 MAKALE'A ST EWA BEACH HI	(1)9-01-010:112 96706	Final	07/26/04
5402	MAKAHA FLATS	84-814 A,B & C FARRINGTON HWY HONOLULU HI	(1)8-04-016:036 96792	Final	07/01/04
5401	NA HALE AT KAHIKOLE	KAHIKOLE ST KONA HI	(3)7-02-003:013 96740	Prelim	07/12/04
5338	NI'IIHAU BEACH HALE	7224 ALAMO'O ROAD WAINIHA HI	(4)5-08-008:038 96714	Final	07/27/04
5373	PALMS AT WAIKIKI	1850 ALA MOANA BLVD HONOLULU HI	(1)2-06-012:003 96815	Prelim	07/14/04
4849	PENINSULA AT HAWAII KAI THE- PROJ III	520 LUNALILO HOME ROAD HONOLULU HI	(1)3-09-008:016 96825	Suppl 2	07/12/04
5250	PENINSULA AT HAWAII KAI-PROJECT III	520 LUNALILO HOME ROAD HONOLULU HI	(1)3-09-008:016 96825	Suppl 2	07/12/04
5096	PLANTATION AT PRINCEVILLE THE	LOT 1-A PARC1-B PEPELANI LOOP PRINCEVILLE HI	(4)5-04-005:023 96722	Final	07/29/04
5356	POHAKU-POIPU CONDOMINIUM	2865 POIPU ROAD KOLOA HI	(4)2-06-004:009 96756	Final	07/27/04
5417	ROYAL GARDEN AT WAIKIKI	440 OLOHANA STREET HONOLULU HI	(1)2-06-016:039 96815	Final	07/23/04
5340	SEA ISLAND HOMES 1 CONDOMINIUM	LOT 90 MOLOKOA SUBD LIHUE HI	(4)3-6-018:061 96766	Final	07/15/04
1487	SUNSET PARADISE	68-172 AU ST WAIALUA HI	(1)6-08-011:033 96791	Suppl 1	07/19/04
5386	THE SURFERS	73-4265 MAKAHI ST KAILUA KONA HI	(3)7-03-026:018 96740	Final	07/12/04
5228	VILLAS AT KAHANA RIDGE THE	HO'OHUI ROAD	(2)4-03-021:082	Cont.	07/15/04

5408	WAIPOULI BEACH RESORT (PH I)	KAHANA HI 4-818 KUHIO HWY	(4)4-03-008:001	Final	07/19/04
		KAPAA HI	96746	Cont.	
5409	WAIPOULI BEACH RESORT (PH II)	4-818 KUHIO HWY	(4)4-03-008:001	Final	07/19/04
		KAPAA HI 96746		Cont.	
5410	WAIPOULI BEACH RESORT (PH III)	4-818 KUHIO HWY	(4)4-03-008:001	Final	07/22/04
		KAPAA HI 96746		Cont.	
5411	WAIPOULI BEACH RESORT (PH IV)	4-818 KUHIO HWY	(4)4-03-008:001	Final	07/22/04
		KAPAA HI 96746		Cont.	
5412	WAIPOULI BEACH RESORT (PH V)	4-818 KUHIO HWY	(4)4-03-008:001	Final	07/22/04
		KAPAA HI 96746		Cont.	
5413	WAIPOULI BEACH RESORT (PH VI)	4-818 KUHIO HWY	(4)4-03-008:001	Final	07/23/04
		KAPAA HI 96746		Cont.	
5414	WAIPOULI BEACH RESORT (PH VII)	4-818 KUHIO HWY	(4)4-03-008:001	Final	07/23/04
		KAPAA HI 96746		Cont.	
5390	WAIPOULI BEACH RESORT (PH VIII)	4-818 KUHIO HWY	(4)4-03-008:001	Final	07/08/04
		KAPAA HI 96746		Cont.	

Preliminary Reports: 3  
 Contingent Final Reports: 10  
 Final Reports: 22  
 Supplementary Reports: 8

Total: 43

The article entitled "The FAQs of LLCs" from the July 2004 issue of the *Hawaii Bar Journal* was distributed for informational purposes.

#### Case Law Review

The following articles were distributed for informational purposes: "Mediation fails to settle Hokulia dispute" *Pacific Business News* (July 23, 2004) and "Development Rights Are Invalid Because Declaration does Not Include a Time Limitation" *Community Association Law Reporter* (June 2004).

#### Consultants

It was reported that the submission deadline for receipt of current statements of qualifications and expressions of interest is Thursday, August 12, 2004 for those interested in being considered as an independent contractor for professional services of condominium project review consultants.

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

Chair Imanaka reported that the next BRRAC meeting is scheduled for August 30, 2004. Commissioners are welcomed to attend. The committee will be working on finalizing a proposed bill. The Chair of the House CPC has requested that the bill be submitted in ramseyer format which staff is currently working on.

#### Neighbor Island Outreach

The next meeting is scheduled for September 8, 2004 in Lihue, Kauai.

#### Staff and Commissioners Development

SEO Kimura to provide the new commissioner orientation with Commissioners Ball and Lauder milk following the Condominium Review Committee meeting adjournment.

Condominium No comments, recommendations or concerns were received from the following:

Organizations Forum: 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: Upon a motion by Commissioner Nishihara, seconded by Commissioner Abrams, it was voted on and unanimously carried to accept the Condominium Education Fund pro forma report dated August 6, 2004 for the period ending June 30, 2004 subject to audit.

The Condominium Education Fund quarterly allocation report was distributed for informational purposes. The Commissioners were reminded to keep the quarterly allocations in mind when spending. As reported in the previous Laws and Rules and Education Review Committee meetings, staff needs to work very closely with the quarterly allocations when paying bills, etc.

Next Meeting: September 8, 2004  
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.  
State Office Building  
Conference Rooms A, B & C  
3060 Eiwa Street  
Lihue, Kauai

Adjournment: With no further business to discuss, Chair Imanaka adjourned the meeting at 11:05 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

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Cynthia M. L. Yee  
Senior Condominium Specialist

September 8, 2004

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Date

Minutes approved as is.  
 Minutes approved with changes; see minutes of \_\_\_\_\_