

**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 8, 2004

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: Conference Rooms A, B, & C  
State Office Building  
3060 Eiwa Street  
Lihue, Kauai

Present: Mitchell Imanaka, Chair, Broker / Honolulu Commissioner  
Kathleen Kagawa, Vice Chair, Broker / Honolulu Commissioner  
Louis Abrams, Broker / Kauai Commissioner  
John Ohama, Broker, 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  
Lorene Kimura, Real Estate Specialist  
Shari Wong, Deputy Attorney General  
Tammy Norton, Recording Secretary

Others: Justin Ohama  
Glenn Nishihara

Absent: Carol Mae Ball, Broker / Maui Commissioner  
Iris Okawa, Public / Honolulu Commissioner  
Vern Yamanaka, Broker / Hilo Commissioner

Call to Order: Chair Imanaka called the meeting to order at 11:25 a.m., at which time quorum was established.

Chair's Report: Chair Imanaka welcomed and thanked Mr. Justin Ohama and Mr. Glenn Nishihara for their attendance at the meeting.

Condominium Specialist's Report: **Minutes**  
Upon a motion by Commissioner Abrams, seconded by Commissioner Ohama, it was voted on and unanimously carried to accept the minutes of the August 11, 2004 Condominium Review Committee meeting as circulated.

Condominium Governance and Management: **AOAO Registrations**  
Specialist Yee reported that as of August 31, 2004 1,479 AOAOs have successfully registered.

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

Kalolini Estates	8/13/2004	Kalua'ahu Gardens	8/02/2004
Moanalua View Estates	8/26/2004	Villages at Mauna Lani	8/23/2004

**Condominium Seminars and Symposium "Legislative Update" – CAI Hawaii Chapter, June 17, 2004 – Report *BMH* (August-September 2004)**

Specialist Yee reported that the Commission subsidized seminars are being reported in other publications such as the article published in *Building Management Hawaii*.

**Case Law Review Program**

The following articles from the July August 2004 issue of *Common Ground* were distributed for informational purposes: "Community Unlimited" and "The War on Foreclosure."

**Condominium Related Articles**

The following articles were distributed for informational purposes: "Our Big Fat Capital Improvement Project" and "The Water's Fine" (July August 2004 issue of *Common Ground*); "Recodifying Hawaii's Condominium Law," "Mold Litigation Mitigation," and "Condominium Insurance for Owners – Avoiding the School of Hard Knocks" (August 2004 issue of *Hawaii Community Associations*); and "Condo Court, Defibrillator Make It" and "Delicate Balancing Act" (August-September 2004 issue of *Building Management Hawaii*).

Condominium  
 Project  
 Registration:

**Condominium Project Registration - Public Reports Issued**

Commissioner Loudermilk recused herself from discussion and voting on project number 5420, Islander on the Beach. Upon a motion by Commissioner Nishihara, seconded by Commissioner Abrams, it was voted on and carried to recommend approval to ratify issuance of effective dates for developer's public reports for the month of August 2004 as follows:

Proj No	Project Name	Project Address	TMK #	Report	Date
5450	1054 KALO PLACE	1054 KALO PLACE HONOLULU HI 96826	(1)2-08-024:024	Final	08/31/04
2804	2018/2018 A IHOLENA	2018 & 2018 A IHOLENA ST HONOLULU HI 96813	(1)1-06-010:004	Suppl 1	08/13/04
5439	3192/3196 HIKINA	3192 HIKINA RD KOLOA HI 96756	(4)2-06-008:026	Final	08/25/04
2537	5-6691 KUHIO HIGHWAY	5-6691-B/5-6691-D KUHIO HWY HALELEA HI	(4)5-08-006:011	Suppl 1	08/13/04
5429	834 & 836 20TH AVENUE	834 20TH AVENUE HONOLULU HI 96816	(1)3-02-053:045	Final	08/31/04
5403	86-662 LAHAINA STREET	84-662 LAHAINA STREET HONOLULU HI 96792	(1)8-04-025:095	Final	08/09/04
5059	ALII PARK PLACE	LOT 3 APANA 3 TO M KAMAIKUI N KONA HI	(3)7-05-019:043	Final	08/05/04
5059	ALII PARK PLACE	LOT 3 APANA 3 TO M KAMAIKUI N KONA HI	(3)7-05-019:043	Suppl 1	08/04/04
5433	ANUHEA AME LELEUA	47-573 PUAPOO PL KANEOME HI 96744	(1)4-07-061:018	Final	08/26/04
5357	COCONUT BEACH CONDOMINIUMS	1532 KUHIO HIGHWAY KAPAA HI 96746	(4)4-05-012:009	Prelim	08/18/04
5405	HANAIEI LANI	5343 WEKE RD	(4)5-05-003:022	Final	08/09/04

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5435	HUINA MEADOWS	HANALEI HI 96714 LOT 4	(4)4-02-014:031	Final	08/24/04
5203	ISLAND CLASSICS AT KAPANOE PH I	WAILUA HI MAHELU ST,'ANOPILO ST& HALEPAH	(1)9-05-049:031	Final	08/09/04
5420	ISLANDER ON THE BEACH	MILILANI HI 96789 484 KUHIO HWY	(4)4-03-002:013	Prelim	08/04/04
5434	JURASSIC KAHILI RANCH	KAPAA HI 96746 LAND PATENT 8323	(4)5-02-003:001	Final	08/13/04
5426	KAHILI MAHI'AI	KILAUEA HI LOT 17E MOLOAA	(4)4-09-009:026	Final	08/06/04
5437	KAIMUKI HEIGHTS	KAWAIIHAU HI 905 16TH AVE	(1)4-05-058:049	Final	08/27/04
5424	KONA COFFEE PLANTATION	HONOLULU HI 96816 AUHAUKEAE	(3)7-05-013:074	Final	08/12/04
5430	MAMO CONDOMINIUM I	KONA HI LOT 61-A-1	(4)1-02-013:003	Final	08/24/04
5431	MAMO CONDOMINIUM II	WAIIMEA HI LOT 61-A-2	(4)1-02-013:003	Final	08/24/04
5379	MAUNAHILU PROPERTIES	WAIIMEA HI 3901 MAUNAHILU PLACE	(1)3-03-022:020	Final	08/25/04
5427	MOMI MAHI'AI II	HONOLULU HI 96816 LOT 17D MOLOAA	(4)4-09-009:026	Final	08/06/04
5407	NANI 'IKENA	KAWAIIHAU HI 4959 MANA PL	(1)3-03-027:052	Final	08/31/04
5030	POINTE AT WAIKOLOA THE	HONOLULU HI 96816 68-1785 MELIA ST	(3)6-08-003:023	Suppl 1	08/19/04
5423	PU'U LOLO 4 CONDOMINIUM	WAIKOLOA HI 96738 LOT 4 PU'U LOLO SUBDIVISION	(4)2-03-008:066	Final	08/18/04
4584	ROYAL GARDEN AT WAIKIKI	KALAHEO HI 440 OLOHANA ST	(1)2-06-016:039	Suppl 1	08/04/04
5160	SEAHORSE CENTER	HONOLULU HI 96815 75-5944 KUAKINI HIGHWAY	(3)7-05-017:014	Suppl 1	08/18/04
5263	SEASIDE PLACE CPR	KAILUA-KONA HI 96740 54-309 E KAMEHAMEHA HWY	(1)5-04-012:083	Final	08/06/04
5454	THE CLAIRMONT	HAUULA HI 96717 909 KAHUNA LN	(1)2-07-017:022	Final	08/27/04
5329	THE FAIRWAYS AT MAUNA LANI	HONOLULU HI 96826 KALAHUIPUAA	(3)6-08-002:005	Cont. Final	08/04/04
	Preliminary Reports:	2			
	Contingent Final Reports:	1			
	Final Reports:	21			
	Supplementary Reports:	6			
	Total:	30			

### Act 119

A copy of Act 119 (SLH 2004) relating to construction claims was distributed for informational purposes. Specialist Yee reported that staff has received inquiries on the developers need to include the disclosures of Act 119 "Contractors Repair Act" in the developer's public report. She reported that the law doesn't require disclosure in the developer's public report, but does speak of construction warranties and includes a summary of the sales contracts.

Chair Imanaka noted that the Act is a good idea, though overly broad.

Upon a motion by Commissioner Nishihara, seconded by Commissioner Kagawa, it was voted on and unanimously carried to recommend approval to incorporate applicable provisions of Act 119 as standard disclosures for inclusion in the developer's public reports; further recommend staff to revise for Commission review and approval the Commission approved developer's public report forms consistent with this recommendation.

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

Chair Imanaka reported that a BRRAC meeting was held on August 30, 2004. The committee is proceeding with the commentary and reinserting of the owner-occupant requirement. The committee's intent is to submit a draft of its report to the Chair of the Consumer Protection committee with Specialist Yee's ramseyer copy by the first week of October for review.

**Interactive Participation with Organizations**

The committee acknowledged receipt of SEO Kimura's report on his participation at CAI's 53<sup>rd</sup> Conference and Exposition, May 20-22, 2004. The report has also been transmitted to PVL's Licensing Administrator.

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: No report presented.

Next Meeting: October 13, 2004  
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, Chair Imanaka adjourned the meeting at 11:40 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

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Cynthia M. L. Yee  
Senior Condominium Specialist

October 13, 2004

\_\_\_\_\_  
Date

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