

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: December 8, 2004

Time: 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 – late arrival
Vern Yamanaka, Broker / Hilo Commissioner
Trudy Nishihara, Broker / Honolulu Commissioner – late arrival
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: Tom Gill, Hawaii Association of Realtors
John Stapleton, Hawaii Institute of Real Estate
Yuki Kajiwara, Hawaii Institute of Real Estate
Milton Motooka, Community Associations Institute Hawaii Chapter

Absent: Iris Okawa, Public / Honolulu Commissioner

Call to Order: Chair Imanaka called the meeting to order at 9:00 a.m., at which time quorum was established.

Chair's Report: No report was presented.

Condominium Specialist's **Addition to the Agenda**

Report: Upon a motion by Commissioner Kagawa, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend accepting the addition to the agenda as follows:

6.a.1) Request for Federal Trade Commission Comment on Section -149, Act 164, SLH 2004

Minutes: Upon a motion by Commissioner Abrams, seconded by Commissioner Kagawa, it was voted on and unanimously carried to accept the minutes of the November 10, 2004 Condominium Review Committee meeting upon correction of non substantive typographical errors.

Condominium
Governance and
Management:

Mediation and Arbitration

The article entitled "5 Questions Attorneys Ask Mediators" from the November 2004 issue of the *Hawaii Bar Journal* was distributed for informational purposes.

AOAO Registrations

Specialist Grupen reported that as of November 30, 2004, 1,488 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 November 30, 2004 for the 2003-2005 registration. The associations are as follows:

Honouliuli Gardens 11/17/2004 Kealakekua Bay Villas 11/16/2004

Condominium Seminars and Symposium – CAI Hawaii Chapter Request for Approval of Additional Expenses for Larry Pothast, "One Hour Board Meeting"

Specialist Yee reported that the current contract does not specifically provide for additional expenses of a guest lecturer. The General Conditions attached to the contract does allow for a percentage over the contracted amount.

Deputy Attorney General Wong reported that the Commission may amend the current contract via a supplemental agreement.

Upon a motion by Commissioner Abrams, seconded by Commissioner Yamanaka, it was voted on and unanimously carried to recommend approval to amend the existing contract with CAI Hawaii to compensate CAI Hawaii for the additional expenses, not to exceed \$1,600, it anticipates incurring in bringing in a nationally noted speaker for the approved CMEF seminar.

Condominium
Project
Registration:

Condominium Project Registration - Public Reports Issued

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 dates for developer's public reports for the month of November 2004 as follows:

Proj No	Project Name	Project Address	TMK #	Report	Date
5517	1853 MAKUAHINE	1853 MAKUAHINE PL HONOLULU HI 96817	(1)1-06-028:046	Final	11/15/04
5489	19, 23, 25 & 26 KAENA LANE	19 KAENA LN HONOLULU HI 96817	(1)1-07-009:041	Final	11/12/04
5495	2233 & 2243 LOWER KULA ROAD CONDO	2233 LWR KULA RD	(2)2-03-016:010	Final	11/29/04

Condominium Review Committee Minutes
Meeting of December 8, 2004
Page 3

5510	2310 BOOTH ROAD	KULA HI 96790 2310 BOOTH RD HONOLULU HI 96817	(1)2-02-019:087	Final	11/18/04
5511	38 WAI KULU CONDOMINIUM	38 & 40 WAI KULU PLACE LAHAINA HI 96761	(2)4-07-009:039	Final	11/29/04
5497	4315 & 4315-A PANINI LOOP	4315 PANINI LP HONOLULU HI 96816	(1)3-02-062:010	Final	11/08/04
5524	45-109 & 45-109A WAIKAPOKI PLACE	45-109 & 45-109A WAIKAPOKI PL KANEHOE HI 96744	(1)4-05-011:010	Final	11/23/04
5513	515 & 529 MALANAI PLACE	515 MALANAI PL HONOLULU HI 96817	(1)1-07-032:019	Final	11/18/04
5440	66 LAKEVIEW CIRCLE	66 LAKEVIEW CIR WAHIAWA HI 96786	(1)7-03-008:028	Final	11/19/04
5478	77G SEA MOUNTAIN ESTATES	6206 HELENA LANE KAPAA HI 96746	(4)4-06-007:085	Final	11/22/04
5504	CARLSON ESTATES	1689 HOOMAHA PLACE KAPAA HI 96746	(4)4-04-013:010	Final	11/05/04
5330	DESTINY III AT MILILANI MAUKA PH I	MOEA ST MILILANI HI 96789	(1)9-05-049:029	Final	11/19/04
5329	FAIRWAYS AT MAUNA LANI THE	KALAHUIPUAA WAIKOLOA HI 96738	(3)6-08-022:005	Supp 1	11/05/04
5329	FAIRWAYS AT MAUNA LANI THE	KALAHUIPUAA WAIKOLOA HI 96738	(3)6-08-022:005	Final	11/24/04
5481	HAIKU ESTATES	46-312 HAIKU RD KANEHOE HI 96744	(1)406-012:035	Prelim	11/01/04
5481	HAIKU ESTATES	46-312 HAIKU RD KANEHOE HI 96744	(1)4-06-012:035	Final	11/02/04
5290	HALE KANANI	40 KANANI RD KIHEI HI 96753	(2)3-09-016:002	Final	11/10/04
5519	HO`OLU LANDING AT MAKAKILO	PALAHIA STREET MAKAKILO HI 96707	(1)9-02-019:060	Cont Final	11/30/04
5288	ILIAHI AT KEHALANI	KUIKAHI DR WAILUKU HI 96793	(2)3-05-001:067	Final	11/29/04
5493	KAI MAKANI	S KIHEI RD KIHEI HI 96753	(2)3-09-041:002	Cont Final	11/09/04
5485	KAI MALU AT WAILEA	OKOLANI DRIVE KIHEI HI 96753	(2)2-01-008:117	Prelim	11/09/04
5492	KAI NANI AT MAKAKILO	MAKAKILO DR KAPOLEI HI	(1)9-02-019:044	Cont Final	11/16/04
5499	KAI OLINO	OFF WAIALO RD ELEELE KOLOA HI	(4)2-01-003:005	Prelim	11/19/04
5479	KAI VIEW CONDOMINIUM	71 & 75 E HUAPALA PL LAHAINA HI 96761	(2)4-07-010:003	Final	11/09/04
5456	KANEHOE BAY DRIVE ESTATES	59-069 KANEHOE BAY DR KANEHOE HI 96744	(1)4-05-030:022	Final	11/29/04
5500	KIAPU PLAZA	511 KIAPU PL HONOLULU HI 96817	(1)1-07-033:041	Final	11/23/04
5528	KO OLINA KAI GOLF ESTATES AND VILLAS	92-1065 KOIO DR KAPOLEI HI 96707	(1)9-01-056:005	Final	11/26/04
5516	KO OLINA KAI GOLF ESTATES AND VILLAS I	92-1065 KOIO DRIVE KAPOLEI HI 96707	(1)9-01-056:005	Final	11/26/04
5501	LEILEHUA ESTATES	1949 CALIFORNIA AVE WAHIAWA HI 96817	(1)7-05-010:015	Final	11/12/04
5498	LOT 17 CONDOMINIUM	225 PUNAKEA LP LAHAINA HI 96761	(2)4-07-001:002	Final	11/29/04
5457	MARTIN ESTATES	364 KAHOLALELE RD KAPAA HI 96746	(4)4-02-014:067	Final	11/15/04
2350	MAUI REALTY SUITES	1885 MAIN ST WAILUKU HI 96793	(2)3-04-011:017	Suppl 1	11/23/04
5392	MECHLER TRUST - KAHINANI PLACE	44-476 KAHINANI PLACE KANEHOE HI 96744	(1)4-04-036:078	Suppl 1	11/10/04
5282	MOANA KAI	HAWAII KAI DRIVE HONOLULU HI 96825	(1)3-09-008:040	Final	11/17/04
5491	NA HALE AT KAHIKOLE - PHASE II	KAHIKOLE STREET KAUPULEHU-KONA HI	(3)7-02-003:013	Prelim	11/17/04
5494	NOHONA AT MILILANI MAUKA - PH II	UKUWAI STREET MILILANI HI 96789	(1)9-05-049:027	Prelim	11/19/04
5316	OCEAN VILLAS AT TURTLE BAY RESORT	TURLTLE BAY RESORT KAHUKU HI 96731	(1)5-07-001:013	Final	11/29/04
5508	PAPALI WAILEA	3100 WAILEA ALANUI DR WAILEA HI	(2)2-01-008:084	Prelim	11/30/04
4112	PINNACLE HONOLULU THE	1199 BISHOP ST HONOLULU HI 96813	(1)2-01-010:026	Suppl 1	11/22/04
5483	POPPINGA CONDOMINIUM THE	5057 PUUWAI RD KALAHEO HI 96741	(4)2-04-004:034	Final	11/15/04
5476	RED TI CONDOMINIUM	5540 KAHILIHOLE ROAD KILAUEA HI 96754	(4)5-02-017:001	Final	11/15/04
5490	SONYA & SOPHIA ESTATES	87-266,87-266A,87-266B & 87-26	(1)8-07-004:016	Final	11/12/04

5477	WAI'ULA'ULA AT MAUNA KEA RESORT	WAIANAЕ HI 96792 OFF AMAUI DRIVE OULI WAIMEA	(3)6-02-013:013	Prelim	11/09/04
1567	WAIAKEA VILLAS	KOHALA HI 400 HUALANI ST	(3)2-02-030:003	Suppl 3	11/05/04
5275	WAILEA TOWN CENTER	HILO HI 96720 WAILEA IKE PLACE	(2)2-08-001:103	Cont	11/09/04
5486	WALAKA MAUI	KIHEI HI 96753 112 WALAKA ST KIHEI HI 96753	(2)3-09-016:007	Final Cont Final	11/09/04

Preliminary Reports: 7
 Contingent Final Reports: 5
 Final Reports: 29
 Supplementary Reports: 5

Total: 46
 Commissioner Nishihara arrives.

Case Law Review Program

The article "Big Island developer appeals stop-work" from the November 19, 2004 issue of *HonoluluAdvertiser.com* was distributed for informational purposes:

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

Chair Imanaka reported that it was brought to the committee's attention that it should solicit comments from the Federal Trade Commission regarding the legality under federal law of the provisions of Section -149 which deals with the handling and disbursement of condominium association funds.

Commissioner Ohama arrives.

Upon a motion by Commissioner Abrams, seconded by Commissioner Yamanaka, it was voted on and unanimously carried to recommend approval to send the proposed letter dated November 10, 2004 to the Federal Trade Commission to solicit comments on Section -149, Act 164, SLH 2004.

Condominium Specialist Office of the Day

Staffs' written report and recommendations about the Condominium Specialist Office of the Day that were held in conjunction with the Commission's renewal workshops on the islands of Maui, Kauai, Kona and Hilo during November 2004 were distributed for the committee's information.

Ko Olina Kai Golf Estates and Villas #5284, Nikki Senter, Esq. – Centexes Completion Guaranty

Chair Imanaka declared himself as having a conflict with the request submitted by Imanaka Kudo and Fujimoto. He then recused himself and left the meeting room. Vice Chair Kagawa then chaired the meeting.

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

Upon a motion by Commissioner Abrams, seconded by Commissioner Ball, it was voted on and carried to recommend denial of the proposed "corporate/completion guarantee;" the required bond having been secured and the proposed "corporate/completion guarantee" is not substantially equivalent or similar to the required performance bond providing for the same type of security as the required performance bond or bond substitute of §16-107-9, HAR (irrevocable letter of credit).

Chair Imanaka returns and presides over the meeting.

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: January 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

Adjournment: With no further business to discuss, Chair Imanaka adjourned the meeting at 9:26 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

January 12, 2005

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____