

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: January 8, 2014

Time: Upon adjournment of the Laws and Rules Review Committee meeting scheduled to convene at 9:30 a.m.

Place: REALTORS® Association of Maui
441 Ala Makani Place
Kahului, Maui

Present: Scott Sherley, Chair, Broker / Hilo Commissioner
Bruce Faulkner, Vice Chair / Maui Commissioner
Nikki Senter, Public / Honolulu Commissioner
Rowena Cobb, Broker / Kauai Commissioner
Aileen Wada, Broker / Honolulu Commissioner
Scott Arakaki, Public / Honolulu Commissioner
Laurie A. Lee, Broker / Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer
Cynthia Yee, Senior Condominium Specialist
Diane Choy Fujimura, Senior Real Estate Specialist
Shari Wong, Deputy Attorney General
Marilyn Antolin, Recording Secretary

Not Present: Frances Gendrano, Broker/Honolulu Commissioner

Others: Robin Sagadraca, Abe Lee Seminars
Carol Ball, Carol Ball and Associates
Massy Cashen, Hawaii First, Inc.
Kavan Saiki (Investigator), Regulated Industries Complaint Office (RICO)
David Ross (Investigator), Regulated Industries Complaint Office (RICO)
Keoni Enriques (Investigator), Regulated Industries Complaint Office (RICO)

Absent: Frances Gendrano, Broker / Honolulu Commissioner

Call to Order: Chair Sherley called the meeting to order at 9:46 a.m., at which time quorum was established.

Chair's Report: The Chair announced that the Commission may move into executive session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Section 92-5(a)(1), HRS, and/or to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities in accordance with Section 92-5(a)(4), HRS.

Commissioner Gendrano was excused from the meeting. Prior notification of her non-attendance was received.

Condominium
Specialist's
Report:

Additional Distribution

The following materials were distributed prior to the start of the meeting:

4. Condominium Governance and Management
 - j. "Citizen's Request for An Informal Non-Binding Interpretation of § 514A-83.3, HRS, list of members of the association email addresses (section 514B-153, HRS, list of members of the association and their current addresses) – Email Request for Sidney Sealine dated 12/11/13"

Minutes:

Upon a motion by Commissioner Faulkner, seconded by Commissioner Cobb, it was voted on and unanimously carried to accept the minutes of the December 11, 2013 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOUO Registrations

Specialist Yee reported that as of December 31, 2013, 1,470 AOUOs have successfully registered.

Condominium Seminars and Symposium—CAI Hawaii's Request for Approval of Additional costs for approved Condominium Education Trust Fund neighbor island seminars (Kona and Maui)

Upon a motion by Commissioner Lee, seconded by Commissioner Cobb, it was voted on and unanimously carried to approve, subject to the terms and conditions of the July 1, 2013 contract, the additional cost amounts for the delivery of the Condominium Education Trust Fund neighbor island approved seminar, "Avoiding Annual Meeting Disaster" (Kona and Maui).

Case Law Review Program

The following articles from the January 2014 issue of Community Association Management *Insider* were distributed for informational purposes: *Whitehall Manor Condo Assn. v. Burch*, Nov. 2013; *Ballard v. 1400 Willow Council of Co-Owners, Inc.* Nov. 2013; and Annual Index.

Condominium Related Articles

The article "D.C. Summit Addresses Critical Association Issues" from the January 2014 issue of Community Association Management *Insider* was distributed for informational purposes.

Condominium
Project
Registration:

Condominium Project Registration - Public Reports Issued

A list of those condominium projects issued effective dates during the month of December 2013 were distributed for informational purposes.

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PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNITS	REPORT	DATE
7431	1118 ALA MOANA	1118 ALA MOANA BLVD HONOLULU HI 96814	123001001	178	B AMD	12/12/2013
7460	1423 AND 1425 16TH AVENUE CONDOMINIUM	1423 & 1425 16TH AVE HONOLULU HI 96816	133014028	2	B REPT	12/12/2013
7466	2321 & 2323 ROSE STREET	2321 & 2323 ROSE ST HONOLULU HI 96819	113010014	2	B REPT	12/26/2013
7450	3438 KAOHINANI DRIVE	3438 KAOHINANI DR HONOLULU HI 96817	122051032	2	B REPT	12/23/2013
7447	ALLIGATOR HOMES	61-278 KAMEHAMEHA HWY HALEIWA HI 96712	161011019	4	B REPT	12/17/2013
7459	FAIRWAY MEYERS	1423 & 1425 MEYERS ST HONOLULU HI 96819	113011063	2	B REPT	12/12/2013
7458	GREEN HOMES AT LUALUALEI INCREMENT 2	87-1720 FARRINGTON HWY WAIANAE HI 96792	1807033034	6	B REPT	12/17/2013
7444	HATFIELD CONDOMINIUM	95 AWAIKU ST WAILUKU HI 96761	247009067	2	B REPT	12/13/2013
5726	HILLSIDE ESTATES	1548 LAUMAILE ST HONOLULU HI 96819	113036068	2	SUPPL	12/18/2013
7240	KA MALANAI AT KAILUA	437 445 455 471 497 501 KAILUA RD KAILUA HI 96734	142001030	153	B AMD	12/6/2013
7465	KIPUKA AT HOAKALEI INCREMENT 5	END OF KAIKOHOLA ST EWA BEACH HI 96706	191162013	8	B REPT	12/30/2013
7462	MBP HO`OKELE CONDOMINIUM	HO`OKELE ST & PULEHU RD WAILUKU HI 96732	238006076	18	B REPT	12/23/2013
5705	NIHILANI AT PRINCEVILLE RESORT PHASE II	4919 PEPELANI LP PRINCEVILLE HI 96722	454005024	51	SUPPL 3	12/5/2013
7428	NIKORA CONDOMINIUM PROJECT	55-706 WAHINEPEE ST LAIE HI 96762	155017026	2	B REPT	12/12/2013
7360	NONOU ESTATES	4875C NONOU RD KAPAA HI 96746	441007011	3	B REPT	12/19/2013
7398	OPAEEKAA FALLS LOT 3 CONDOMINIUM	5552-C KUAMOO RD WAILUA HI 96746	442003066	3	B REPT	12/13/2013
6714	PANE MAKAI	2270 PANE RD KOLOA HI 96756	428018009	2	B AMD	12/23/2013
7030	PULEWA AT MEHANA	KAKALA, MANAWAI, KUNEHI, KAPOLEI HI 96707	191016160	120	B AMD 4	12/17/2013
7452	WAI'ULA'ULA AT MAUNA KEA RESORT	68-3200 AMAUI PL KAMUELA HI 96741	362013013	24	CONT	12/20/2013
0	Preliminary Reports					
1	Contingent Final Reports					
0	Final Reports					
2	Supplementary Reports					
12	B Reports					
4	B Amendment Reports					
19	TOTAL REPORTS					

Condominium
 Governance and
 Management:

Citizen's Request for An Informal Non-Binding Interpretation of §514A-83.3, HRS, list of members of the association email addresses – Email Request from Sidney Sealine dated 12/11/2013

Executive Session:

Upon a motion by Commissioner Cobb, seconded by Commissioner Faulkner, it was voted on and unanimously carried to enter into executive session, pursuant to section 92-5(a)(1), HRS, "To consider and evaluate personal information, relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and 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 Faulkner, seconded by Commissioner Lee, it was voted on and unanimously carried to move out of executive session.

After review of the information presented in Mr. Sealine's email request for an informal non-binding interpretation, upon a motion by Commissioner Senter, seconded by Commissioner Faulkner, it was voted on and unanimously carried to:

1. Decline to issue an informal non-binding interpretation of §514A-83.3, HRS, pursuant to §16-201-86(b), Hawaii Administrative Rules; and
2. Determine, pursuant to §16-201-86(b), Hawaii Administrative Rules, that the inquiry is not appropriate for the issuance of an informal interpretation, due in part that:
 - a. the facts set forth by the requestor are not sufficiently detailed and clear to allow the Board or Commission to understand the requestor's circumstances; and
 - b. there has been no consistent historical pattern of deciding similar inquiries upon which the Board or Commission can base its response.

CPR Registration and Developer's Public Reports – Related Articles

The following articles from the *StarAdvertiser.com* were distributed for informational purposes: "Wetlands in Waikiki" 12/9/13; and "Kauai man can challenge Koloa project, court rules" 12/20/13.

Rulemaking – HAR Chapter 107

Specialist Yee reported that January 31, 2014, is the targeted date for sending out for review, a version of the Chapter 107 rules to be distributed to the Blue Ribbon Panel members.

Program of Work:	No report presented.
Condominium Organizations Forum:	No comments, recommendations or concerns were received from the following: Community Associations Institute Hawaii Chapter, Alakahai 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.
CETF Budget & Finance Report:	No report presented.
Next Meeting:	February 12, 2014 Upon adjournment of 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

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Adjournment: With no further business to discuss, Chair Sherley adjourned the meeting at
10:10 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

January 30, 2014

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____

CY/ma/