

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: May 14, 2014

Time: Upon adjournment of 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: Scott Sherley, Chair, Broker / Hilo Commissioner
Bruce Faulkner, Vice Chair / Maui Commissioner
Nikki Senter, Public / Honolulu Commissioner
Frances Gendrano, Broker / 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
Miles Ino, Executive Officer
Cynthia Yee, Senior Condominium Specialist
Benedyne Stone, Condominium Specialist
Katherine Linster, Condominium Specialist
Diane Choy Fujimura, Senior Real Estate Specialist
Amy Endo, Real Estate Specialist
David Grupen, Real Estate Specialist
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary

Others: James Stone, Coldwell Banker Pacific Properties
Kathleen Lau

Absent: None

Call to Order: Chair Sherley called the meeting to order at 9:09 a.m., at which time quorum was established.

Chair's Report: No report was presented.

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.

Condominium
Specialist's
Report:

Minutes

Upon a motion by Commissioner Faulkner, seconded by Commissioner Cobb, it was voted on and unanimously carried to accept the minutes of the April 7, 2014 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOUO Registrations

Specialist Stone reported that as of April 30, 2014, 1,541 AOUOs have successfully registered.

Mediation and Arbitration

Specialist Stone reported that Commission approval is necessary to enter into Agreements with mediation providers for fiscal year July 1, 2014 to June 30, 2015. The current Agreements for mediation services terminate June 30, 2014. Entering into new Agreements will ensure that the Commission continues to subsidize mediation services on Oahu and the neighbor islands. The current providers of mediation services are the Mediation Center of the Pacific (Oahu), Mediation Services of Maui (Maui), Kauai Economic Opportunity (Kauai), Ku'ikahi Mediation Services (Hilo), and Big Island Mediation dba West Hawaii Mediation Center (Kona).

Both facilitative and evaluative mediation will again be offered. It is expected that with the implementation of Act 187 (2013), on July 1, 2015, the Commission will at that time enter into new Agreements for mediation services with mediation providers to fulfill the mandate of the new law which is to provide additional support for the mediation program and to utilize experts and professionals as mediators.

Commissioner Faulkner questioned the amount of the mediation contracts.

Specialist Stone responded that the total amount of all contracts for fiscal year 2015 will be \$20,000.

Mediator services, pursuant to HAR §3-120-4(b), have been determined to be exempt from the procurement procedures of HRS Chapter 103D by the procurement policy board effective July 17, 2008. Mediator services fall under exemption number 10. The committee took note of the essential role mediation providers play in the condominium community, the number of cases mediated this fiscal year, and the services performed by the mediators.

Upon a motion by Commission Faulkner, seconded by Commissioner Lee, it was voted on and unanimously carried to enter into Agreements for one fiscal year with Mediation Center of the Pacific (Oahu), Mediation Services of Maui (Maui), Kauai Economic Opportunity (Kauai), Ku'ikahi Mediation Services (Hilo), and Big Island Mediation dba West Hawaii Mediation Center (Kona), subject to the same terms and conditions of the current agreements.

Case Law Review Program

The following articles were distributed for informational purposes: *Vinson v. Association of Apartment Owners of Sands of Kahana* 130 Haw. App. 540, 312 P.3d 1247 (2013); *Association of Apartment Owners of Discovery Bay v. Mitchell*, 132 Hawaii 183, 320 P.3d 417 (2014); and *Association of Apartment Owners of Pomaikai v. McDonough* (U.S. District Ct. D. Hawaii February 20, 2014 Not reported in F. Supp 2d.

Condominium Related Articles

The following was distributed for informational purposes: "Foreclosure Mediation Limited to The Big Isle" *Honolulu Star-Advertiser* posted Apr. 22, 2014.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

A list of those condominium projects issued effective dates during the month of April 2014 were distributed for informational purposes.

PROJ#	PROJECT NAME	PROJECT ADDRESS	TMK #	UNIT	REPORT	DATE
7499	1004 10TH AVE AND 3470 PAHOA AVE CONDOMINIUM	1004 10TH AVE & 3470 PAHOA AVE HONOLULU HI 96816	132013020	2	B REPT	4/7/2014
5056	2182 AND 2184 ROUND TOP DRIVE	2182/2184 ROUND TOP DR HONOLULU HI 96822	125006014	2	SUPPL	4/4/2014
7471	AKITA CONDOMINIUM	3580 KOLOA RD KOLOA HI 96756	425004070	2	B REPT	4/23/2014
7049	ANDERSON ESTATES	6447 & 6457 KAHUNA RD KAPAA HI 96746	446006058	2	B AMD	4/1/2014
7495	FAIRWAY PAUOA	2331, 2337 & 2341 PAUOA RD HONOLULU HI 96813	122016021	3	B REPT	4/7/2014
7041	HD MILILANI	100 KAHELU AVE MILILANI HI 96789	195046043	2	B AMD	4/21/2014
6163	HONUA KAI CONDOMINIUM BUILDING NE- A KONEA ENCLAVE	LOT 4 KAANAPALI HI	244014006	184	B AMD 9	4/17/2014
6164	HONUA KAI CONDOMINIUM BUILDING NE B KONEA ENCLAVE	LOT 4 KAANAPALI HI	244014006	61	B AMD 9	4/17/2014
6165	HONUA KAI CONDOMINIUM BUILDING NE- C KONEA ENCLAVE	LOT 4 KAANAPALI HI	244014006	68	B AMD 9	4/17/2014
6378	HONUA KAI CONDOMINIUM BUILDING SE A HOKULANI ENCLAVE	130 KAI MALINA PKWY LAHAINA HI 96761	244014006	195	B AMD 7	4/17/2014
6379	HONUA KAI CONDOMINIUM BUILDING SE- B HOKULANI ENCLAVE	130 KAI MALINA PKWY LAHAINA HI 96761	244014006	76	B AMD 7	4/17/2014
6380	HONUA KAI CONDOMINIUM BUILDING SE- C HOKULANI ENCLAVE	130 KAI MALINA PKWY LAHAINA HI 96761	244014006	54	B AMD 7	4/17/2014
7476	JADE GARDEN II	903 LOLENA ST HONOLULU HI 96814	116010001	2	B REPT	4/10/2014
7498	KIPUKA AT HOAKALEI INCREMENT 7	END OF KAIKOHOLA ST EWA BEACH HI 96706	191162015	8	B REPT	4/24/2014
7492	KIPUKA PLACE AT KALOKO	LOT B-5 OLOWALU ST KAILUA-KONA HI 96740	373051069	4	B REPT	4/10/2014
6174	KOLOA LANDING AT POIPU BEACH - PHASE I	2641 POIPU RD KOLOA HI 96756	428015025	87	B AMD 9	4/21/2014
7410	KULALANI AT MAUNA LANI (PHASE 4)	68-118 N KANIKU DR KAMUELA HI 96743	368022007	6	FINAL	4/4/2014
4701	LUAKINI CONDOMINIUM	1440 KUALAPA PL KAPAA HI 96746	444014010	2	SUPPL	4/11/2014
7484	MARCONI POINT CONDOMINIUMS	56-1095 & 56-1089 KAMEHAMEHA KAHUKU HI 96731	156003010	26	B REPT	4/10/2014
6689	NU'U AINA	LIPOA PARKWAY KIHEI HI 96753	222024033	26	B AMD	4/11/2014
7290	ONE ALA MOANA	1555 KAPIOLANI BLVD HONOLULU HI 96814	123040022	206	B AMD 2	4/29/2014
7314	OPAEEKAA FALLS LOT 1 CONDOMINIUM	5552 KUAMOO RD	442003065	4	B REPT	4/24/2014

7508	PARKSIDE BY GENTRY I	WAILUA HI 96746 91-6221 KAPOLEI PKWY EWA BEACH HI 96706	191069024	75	B REPT	4/21/2014
7491	RYCROFT TERRACE	1550 RYCROFT ST HONOLULU HI 96814	123018022	167	B REPT	4/22/2014
4777	SERENGETI CONDOMINIUM	LOT 9 PRINCEVILL AG SUBDIV HANALEI HI	453008009	3	SUPPL 2	4/29/2014
7490	WAIALUA ESTATES	WAIALUA BCH RD WAIALUA HI 96791	166034075	12	B REPT	4/24/2014

0	Preliminary Reports
0	Contingent Final Reports
1	Final Reports
3	Supplementary Reports
11	B Reports
11	B Amendment Reports
26	TOTAL REPORTS

Case Law Review

The following articles were distributed for informational purposes: *Association of Apartment Owners of Moana Pacific v. Nishimura* No. SCPW-12-0000536 (Haw. June 22, 2012) (Unpublished Opinion) and *Narayan v. Marriott International, Inc.* No. CAAP-12-0000819 (Haw. App. August 23, 2013) (mem).

Condominium Project Registration Reminders 2014-2

A copy of the withdrawn Condominium Project Registration Reminders 2014-2 memo was distributed for informational purposes.

Program of Work: **Rulemaking, Chapter 107 / 119**

It was reported that the Blue Ribbon Panel had a productive discussion on specific proposed rules, scope and purpose, and provided good comments for proposed revisions.

Legislative Acts and Resolutions – Act 49 (SLH 2014)

A copy of Act 49 (Senate Bill No. 2078, S.D. 1) relating to agricultural condominiums was distributed for informational purposes. Act 49 became effective upon its approval, April 23, 2014.

Neighbor Island Outreach / Condominium Specialist Office for the Day

The August 13, 2014 Committee meetings are scheduled to be held in Hilo on Hawaii Island in conjunction with the Condominium Specialist Office for the Day program.

Records Management

The following article was distributed for informational purposes: "Court Hears Arguments On County Records Case" *West Hawaii Today* Posted 4/30/2014.

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.

CETF Budget & Finance Report: Upon a motion by Commissioner Arakaki, seconded by Commissioner Cobb, it was voted on and unanimously carried to accept the Condominium Education Trust Fund Financial Report for the period ending March 31, 2014.

Next Meeting: June 18, 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

Adjournment: With no further business to discuss, Chair Sherley adjourned the meeting at 9:32 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

May 22, 2014

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____