

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 7, 2015

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, Broker / 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
Michael Pang, 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
Tammy Norton, Recording Secretary

Others: Carol Ball, Carol Ball & Associates
Keone Ball, Carol Ball & Associates
Terry Tolman, REALTORS® Association of Maui
Rick Kiefer, Cades Schutte LLP
Jeannie Wenger
Helen MacArthur, RAM Government Affairs Committee

Absent: Aleta Klein, Broker / Interim Honolulu Commissioner

Call to Order: Chair Sherley called the meeting to order at 9:41 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.

Commissioner Klein 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:

- 5. CPR Registration and Developer's Public Reports
 - a. Condominium Projects and Developer's Public Reports
 - 4) Owner-Occupant – Request for Real Estate Commission's no action letter pursuant to section 514B-98.5(b), HRS, and section 514A-107, HRS
 - a) Request of Sean Simko
- 6. Program of Work, FY15
 - e. Rulemaking, Chapter 107/119

Minutes:

Upon a motion by Commissioner Faulkner, seconded by Commissioner Lee, it was voted on and unanimously carried to accept the minutes of the December 10, 2015 Condominium Review Committee meeting as circulated.

Condominium
 Governance and
 Management:

AOUO Registrations

Specialist Yee reported that as of December 31, 2014, 1,678 AOUs have successfully registered.

Mediation and Arbitration

Specialist Yee reported that staff is currently working on the evaluative mediation contracts for 2015. CETF subsidy of the expanded evaluative mediation is to go into effect July 1, 2015.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

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

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNIT	RPT	DATE
7587	1528 PAINA STREET	1528 & 1528-A PAINA ST HONOLULU HI 96817	118030047	2	B REPT	12/19/2014
7577	47-418 AND 47-418A KAPEHE STREET	47-418 & 47-418A KAPEHE ST KANEHOE HI 96744	147055039	2	B REPT	12/31/2014
7334	801 SOUTH STREET	801 SOUTH ST HONOLULU HI 96813	121047003	915	B AMD 3	12/12/2014
7583	85-206 AND 85-208 LUALUALEI HOMESTEAD RD	85-206 & 85-208 LUALUALEI WAIANAE HI 96792	185007027	2	B REPT	12/29/2014
7585	CHATEAU ENVOY'E PAR DIEU	1959 AND 1961 PAULA DR HONOLULU HI 96816	133021006	2	B REPT	12/8/2014
7274	COMMODORE WAIKIKI	1868 & 1880 KAHAKAI DR HONOLULU HI 96814	123036016	56	B AMD	12/12/2014
7588	DEROHAN ESTATES	5-6600 KUHIO HWY HANAIE HI 96714	458006045	2	B REPT	12/29/2014
7574	HOMELANI	21 HOMELANI PL HONOLULU HI 96817	122045038	2	B REPT	12/26/2014
7589	KIPUKA AT HOAKALEI INCREMENT 12	END OF KAIKOHOLA ST EWA BEACH HI 96706	191162009	5	B REPT	12/15/2014
7473	KIPUKA AT HOAKALEI INCREMENT 6	END OF KAIKOHOLA ST EWA BEACH HI 96706	191162005	10	B AMD	12/12/2014
6953	KOKOA KAI CONDOMINIUM	188 PUA NIU WAY LAHAINA HI 96761	247009077	2	B AMD	12/9/2014

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6952	KOKOA UKA CONDOMINIUM	160 PUA NIU WAY LAHAINA HI 96761	247009078	2	B AMD	12/9/2014
7191	KOMOHANA HALE	1379 KOMOHANA ST HILO HI 96720	324041017	2	B AMD	12/4/2014
7324	KUKUNA AT MEHANA	WAKEA ST KAKALA ST MANAWAI KAPOLEI HI 96707	191016212	73	B AMD 2	12/8/2014
7580	KULALANI AT MAUNA LANI (PHASE 6)	68-118 N KANIKU DR KAMUELA HI 96743	368022007	4	CONT	12/12/2014
7356	OCEAN VIEW CONDOMINIUM	MAKILA PLANTATION PHASE III LAHAINA HI 96761	247001042	2	B AMD	12/3/2014
7584	PARKSIDE BY GENTRY II	91-6221 KAPOLEI PARKWAY EWA BEACH HI 96706	191164008	79	B REPT	12/26/2014
7598	PAUMALU MAUKA RANCHES (UNITS C1, C2 & C3)	58-248 KAMEHAMEHA HWY HALEIWA HI 96712	158002004	3	B REPT	12/22/2014
7143	PINAO GARDENS CONDOMINIUM	PU'U PANE SUBDIVISION LOT 7 KAHILI HI 96714	451005106	2	B AMD 2	12/5/2014
7591	WENTLAND	85-914 MIDWAY ST WAIANAE HI 96792	185007004	2	B REPT	12/12/2014
0	Preliminary Reports					
1	Contingent Final Reports					
0	Final Reports					
0	Supplementary Reports					
10	B Reports					
9	B Amendment Reports					
20	TOTAL REPORTS					

Developer's Public Report and Amendments – Act 49 (SLH 2014) Section 5 And Honolulu And Kauai County Verified Statements For A Condominium Project Application For A Condominium Project In An Agriculture District

Staff provided examples on the two counties' implementation of Act 49.

Case Law Review

The following Case Law relating in part to arbitration was distributed for informational purposes: *Nishimura v. Gentry Homes* 2014 WL, 5503303 (October 31, 2014).

Program of Work: Rulemaking Chapter 107/119

Chair Sherley, Commissioner Arakaki and Specialist Yee provided an oral report of the December 2014 Blue Ribbon Committee meeting. They reported that a sampling of representative unit owners were invited to provide feedback on proposed rules related to associations. There was a good exchange of information between the unit owners, management companies and attorneys during the meeting. From the dialogue and exchange, it appeared that all those in attendance came away with a better understanding of each others position.

Owner-Occupant – Request for Real Estate Commission's no action letter pursuant to section 514B-98.5(b), HRS, and section 514A-107, HRS

- a) Request of Sean Simko
- b) Request of Charles S. Lotsof, Esq., on behalf of deceased owner-occupant affiant

Executive Session: Upon a motion by Commissioner Cobb, seconded by Commissioner Pang, it was voted on and unanimously 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 Cobb, seconded by Commissioner Faulkner, it was voted on and unanimously carried to move out of executive session.

Request of Charles S. Lotsof, Esq., on behalf of deceased owner-occupant affiant

Upon a motion by Commissioner Senter, seconded by Commissioner Cobb, it was voted on and unanimously carried that pursuant to §514B-98.5(b)(4) and based on the specific facts of the case presented, death qualifies as an unforeseeable occurrence.

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 11, 2015
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 11:15 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

January 13, 2015

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____