

**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: February 10, 2016

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, 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  
Aleta Klein, Broker / Honolulu Commissioner  
Michael Pang, Broker / Honolulu Commissioner

Neil Fujitani, Supervising Executive Officer  
Miles Ino, Executive Officer  
Cynthia Yee, Senior Condominium Specialist  
Benedyne Stone, Condominium Specialist  
Dathan Choy, 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: Suzanne Young, Honolulu Board of REALTORS®  
Kamalani Rodrigues, Honolulu Board of REALTORS®  
Nelson Higa, Honolulu Board of REALTORS®  
Eric Watanabe, Watanabe International  
Janice Watanabe, Watanabe International  
Aron Espinueva, Hawaii Association of REALTORS®  
James Stone, Esq.  
Celine Nelsen, Old Republic/Abe Lee  
Nelsen Higa

Call to Order: Chair Sherley called the meeting to order at 9:27 a.m., at which time quorum was established.

Upon a motion by Commissioner Klein, seconded by Commissioner Lee, it was voted on and unanimously carried to recess the meeting at 9:27 a.m. to the Education Review Committee meeting.

The meeting was reconvened at 10:37 a.m.

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:

**Minutes**

Upon a motion by Commissioner Senter, seconded by Commissioner Lee, it was voted on and unanimously carried to accept the minutes of the January 13, 2016 Condominium Review Committee meeting as circulated.

Condominium  
 Governance and  
 Management:

**AOUO Registrations**

Specialist Stone reported that as of January 31, 2016, 1,547 AOUOs have successfully registered.

**Case Law Review Program**

The following case law was distributed for informational purposes: *Association of Apartment Owners of Lihue Townhouse v, McGrath Properties I, LLC* 130 Hawai'i 347, 310 P.3d 1048 (2012) Unpublished disposition.

Condominium  
 Project  
 Registration:

**Condominium Project Registration - Public Reports Issued**

A list of those condominium projects issued effective dates during the month of January 2016 were distributed for informational purposes.

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNITS	REPORT DATE
7769	45-731 KO PLACE	45-731 & 45-731A KO PL KANE OHE HI 96744	145026047	2	B REPT 1/25/2016
7147	ANINI NANI CONDOMINIUM	3235 KALIHUWAI RD KILAUUEA HI 96754	453003059	2	B AMD 2 1/26/2016
7686	HOKUPA'A	MOKUHANO STREET HONOLULU HI 96825	139010049	15	B AMD 1/7/2016
7618	KAUINOHEA PLACE	44-124A KAUINOHEA PL KANE OHE HI 96744	144017097	3	B AMD 1/5/2016
7739	KAWENA AT MEHANA	460 KAMA' AHA AVE KAPOLEI HI 96707	191160051	52	B AMD 1/28/2016
7748	KEALIA FARMS	68-131 & 68-1031 FARRINGTON HWY WAIALUA HI 96791	168002010	4	B REPT 1/12/2016
7722	LAKIMAU COTTAGES	3024 LAKIMAU ST HONOLULU HI 96815	131023046	2	B REPT 1/4/2016
7484	MARCONI POINT CONDOMINIUMS	56-1095 & 56-1089 KAMEHAMEHA KAHUKU HI 96731	156003010	26	B AMD 1/7/2016
7741	OLOWALU MAUKA LOT 13 CONDOMINIUM	LOT 13 OLOWALU MAUKA SUBDIV LAHAINA HI 96761	248003096	2	B REPT 1/21/2016
7762	PAIA POHAKU ESTATES CONDOMINIUM	LOT 13 MAHANALUA NUI SUB LAHAINA HI 96761	247009014	2	B REPT 1/21/2016
7719	PALANI TOWNHOUSES	734 PALANI AVE HONOLULU HI 96826	127034046	4	B REPT 1/29/2016
7685	PEAHI OHANA CONDOMINIUM	HO'OKILI RD HAIKU HI 96708	228005131	2	B REPT 1/26/2016
7352	SYMPHONY HONOLULU	888 KAPIOLANI BLVD HONOLULU HI 96814	121044001	389	B AMD 1/6/2016
0	<b>Preliminary Reports</b>				
0	<b>Contingent Final Reports</b>				
0	<b>Final Reports</b>				
0	<b>Supplementary Reports</b>				

7	<b>B Reports</b>
6	<b>B Amendment Reports</b>
13	<b>TOTAL REPORTS</b>

### **Case Law**

The following case law was distributed for informational purposes: *Narayan v. Ritz-Carlton Development Co. Inc.* 135 Hawai'i 327, 350 P.3d 995 (2015). A brief discussion following about the Supreme Court's comments about the developer's public report, purchase agreement, declaration, and the purported agreement to arbitrate as discussed in the case.

### **Request for Reconsideration of the Hawaii Real Estate Commission's informal non-binding interpretation relating to spatial units – Deferred from Real Estate Commission Meeting of January 29, 2016**

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

Upon a motion by Commissioner Arakaki, seconded by Commissioner Lee, it was voted on to deny the request to reopen the December 2, 2015 informal non-binding interpretation in the matter of the Proposed Condominium Project Registration of Puu Kulana CPR 808 and Goatsdoroam - Developer's Request for Reconsideration of the Hawaii Real Estate Commission's September 11, 2013 Informal Non-Binding Interpretation Relating to Spatial Units for CPR Registration No. 7288 "New Camp At Kahuku Village"; and that the other issues raised will not be addressed at this time as they raise vague or hypothetical issues. Commissioners Pang and Senter opposed. The motion carried.

Upon a motion by Commissioner Klein, seconded by Commissioner Arakaki, it was voted on and unanimously carried to refer the issues relating to spatial units to the Commission's Blue Ribbon Committee for further review, research, study and recommendations for inclusion to the REC draft rules for Commission's consideration with subsequent distribution to a larger group of stakeholders for comments as part of the Commission's rulemaking process.

### **Consultants – Report on the January 15, 2016 Condominium Consultants' Forum/Information Session**

A written report of the meeting was distributed for informational purposes.

Upon a motion by Commissioner Faulkner, seconded by Commissioner Pang, it was voted on and unanimously carried to amend #13a. Unique Disclosures to question of the Condominium Project Registration Questionnaire by adding the question whether the proposed condominium project registration is or is subject to a "Flood Zone Designation, Tsunami, whether there are any new flood maps and any assigned mailboxes."

Program of Work: **Interactive Participation with Organizations**

Specialist Choy provided a summary of his attendance and participation at the Community Associations Institute Law Seminar. A written report will be provided at the next CRC meeting.

**Government and Legislative Participation & Report**

SEO Fujitani provided a Legislative report in the previous Laws and Rules Review Committee 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.

CETF Budget &  
Finance Report: No report presented.

Next Meeting: March 9, 2016  
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 12:01 p.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

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Cynthia M. L. Yee  
Senior Condominium Specialist

February 22, 2016

\_\_\_\_\_  
Date

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