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Dear Condominium Owner or Prospective Purchaser:

Enclosed is a brochure about association documents, a form that you can use to request documents if you need it, and a Regulated Industries Complaints Office (RICO) complaint form. We ask that you read/review these instructions carefully **before** submitting a complaint to us for processing.

STEP 1 – Familiarize yourself with the law.

Before filing your complaint with RICO, we ask that you read the enclosed condominium brochure and familiarize yourself with the types of documents which may be made available as copies or for examination, and the potential fees, costs, and procedural requirements that may be involved.

STEP 2 – Was your request in writing and has at least 30 days passed since you asked for information?

If you have already submitted a written request to examine or receive copies of association documents, has at least thirty (30) days passed since you submitted the request? (If the association has not satisfied your request, you may skip to Step 3.)

STEP 2(a).

If you have not already done so in **writing**, you must make a request to examine records or receive copies of association documents. For your convenience, we have included a “Written Request for Condominium Association Records” form for your use. Use of this form is not mandatory, but recommended. Select the records you are interested in obtaining or examining, along with the specific month and year for each record selected. If you are seeking a document not listed on the printed request form, please provide an exact description of the document such as the specific name, title, date, etc.

Please date your form. The date is important for determining compliance with deadlines that may be imposed by law.

Keep a copy of the completed and dated “Written Request for Condominium Association Records” form for your records. In addition, should the condominium managing agent or condominium association fail to respond to your written request, a copy of your completed and dated form will be needed to process a RICO complaint.

NOTE: Requests for copies of records and requests for examination of records should be made on separate forms.

STEP 2(b).

Deliver the completed and dated “Written Request for Condominium Association Records” form to the condominium managing agent or condominium association’s representative.

Allow the condominium managing agent or condominium association at least 30 days after receiving your written request to respond.

STEP 3 – Fill out and sign the enclosed RICO Complaint Form and the Condominium Records - Additional Information Page, attach a copy of your written request to it, and create and attach a table or chart with key information only.

If at least 30 days has passed and you were not provided with the records you requested in writing, or in some instances you did not receive a written explanation for the association’s refusal to provide you with records, you may file a RICO complaint.

Please attach a copy of your written request to the association (or a copy of the “Written Request for Condominium Association Records” form, if you used it) to the RICO complaint form.

When filing your complaint, we ask that you provide us with a list of the following information in a table or chart format:

1. The date of your written records request.
2. The date and title (or description) of the document you requested (please list each document separately).
3. Specify whether you (a) requested copies or (b) requested to examine the association record or document.

4. Indicate whether you **did** or **did not** receive a response to your request from the condominium managing agent or condominium association.
 - If you received a written response, please attach a copy of the response with your complaint.
 - If you received a verbal response, please provide details such as the individual's name and position, date, and individual's verbal statement.

For your convenience, a blank table is included on the Condominium Records Request-Additional Information Page. A sample table is provided at the end of these instructions. Because records disputes can include multiple requests, multiple documents, and multiple responses, information in a table or chart form helps us to process your complaint as expeditiously as possible – *even if you requested only 1 document.*

STEP 4 –RICO processes complaints about records requests one at a time.

Requesting records can be a fluid and on-going process; receiving a document may lead you to want to ask for something else. Allowing consumers to add to on-going complaints slows the RICO process. Therefore, RICO will address only the records originally requested in your complaint. If, after filing a RICO complaint, you make an additional request for records that is not met, you will need to file a new complaint with our office.

EXAMPLE – RICO COMPLAINT

The table below is an example of the kind of information required to begin processing your RICO complaint. This scenario is based on a *fictitious* condominium owner who believes the condominium managing agent is over-paying on association landscape and security guard services procured in October 2010. Both the landscaper and security guard are believed to be good friends with the condominium managing agent. After the holidays, the *fictitious* condominium owner requested, in writing, that the condominium managing agent provide copies of estimates from other companies who may have submitted bids for the same or similar landscaping and security services. Our *fictitious* condominium owner also submitted a written request to the condominium managing agent asking for copies of monthly records of payment to the landscaper and security guard, as well as the landscaping and security guard contracts with the condominium association. After 30 days the *fictitious* condominium owner did not receive a response to his written records request, and filed a RICO complaint providing the detailed information in the example table below.

Date of Your Written Request	Date and Title (or Description) of Documents Requested	Indicate whether you requested to:		Indicate Whether You Received a Response:	
		Receive Copies	Examine Documents	No	Yes - <u>Provide Details</u> (attach add'l sheet if necessary)
1/5/11	Dec. 2010 Board meeting minutes	X		X	
1/5/11	Nov. 2010 Board meeting minutes	X		X	
1/5/11	Oct. 2010 Board meeting minutes	X			Informed Oct. 2010 minutes are lost via 1/25/11 email.
1/5/11	Current contract for landscaping services		X	X	
1/5/11	Oct. 2010-Dec. 2010 invoices paid to landscaper	X		X	
1/5/11	Oct. 2010-Dec. 2010 invoices paid to security guard service provider	X		X	
1/5/11	Bids from 2010 that were received prior to hiring the current landscaper and current security guard service provider.		X		Refused examination of any bids via 1/19/11 letter.

WRITTEN REQUEST FOR CONDOMINIUM ASSOCIATION RECORDS

Date of Request: _____

To: _____
(Condominium Managing Agent or Board of Directors if self-managed)

Name of Condominium Project: _____

Contact Information:

Name of Person Requesting Documents: _____

Requestor's Address: _____

Residence No.: _____ Business No.: _____

Email Address: _____ Fax No.: _____

- *I hereby confirm that I am: ☐ an owner in this condominium project **or** ☐ an agent authorized*
- *by the owner(s) and entitled to request receive and/or view the documents identified below.*
- *I hereby request (please check only **one**): ☐ to examine **or** ☐ receive copies of the association records identified below.*

Documents Relating to Condominium Operations:

Please indicate the specific month(s) and year(s) for each category:

<input type="checkbox"/> Board of Directors Meeting Minutes:	
<input type="checkbox"/> Financial Statements:	
<input type="checkbox"/> General Ledgers:	
<input type="checkbox"/> Accounts Receivable Ledgers:	
<input type="checkbox"/> Accounts Payable Ledgers:	
<input type="checkbox"/> Check Ledgers:	
<input type="checkbox"/> Common Elements Receipts:	
<input type="checkbox"/> Common Elements Expenditures:	
<input type="checkbox"/> Monthly Statement of Current Delinquency or Unpaid Common Element Assessments:	
<input type="checkbox"/> Condominium Management Agreement:	
<input type="checkbox"/> Insurance Policies: (i.e. Name of insurance company, type of policy, date/year of policy, etc.)	
<input type="checkbox"/> Contracts: (i.e. Name of business, type of contract, date of transaction, etc.)	
<input type="checkbox"/> Invoices: (i.e. Name of business, type of goods or services, date of transaction, etc.)	

Documents Relating to General Condominium Provisions:

<input type="checkbox"/> Declaration:	
<input type="checkbox"/> Bylaws:	
<input type="checkbox"/> House Rules:	
<input type="checkbox"/> Master Lease:	
<input type="checkbox"/> Sample Original Conveyance Document:	
<input type="checkbox"/> Public Report:	
<input type="checkbox"/> Amended Public Report:	

Documents Relating to Condominium Governance:	Please indicate the specific month(s) and year(s) for each category:
<input type="checkbox"/> Association Meeting Minutes:	
<input type="checkbox"/> Current Member or Owner List:	
<input type="checkbox"/> Names and Addresses of Vendees Under an Agreement of Sale:	
<input type="checkbox"/> Name and Address of Time Share Association Representative/Agent for the Individual Time Share Owners:	
<input type="checkbox"/> Proxies:	
<input type="checkbox"/> Tally Sheets:	
<input type="checkbox"/> Ballots:	
<input type="checkbox"/> Owners' Check-In Lists:	
<input type="checkbox"/> Certificate of Election:	

Condominium Documents Not Listed Above:

☐ Other (Please provide a detailed description of the requested records): _____

I understand that not everything I request may be required to be made available to me; that I may be charged a fee or the cost for copies made and association time spent to process my request; and that I may be required to execute a good faith affidavit.

Signature

Date

(Note: You should keep a copy of this form for your records so you can follow-up with your request if necessary.)



*The Regulated Industries Complaints Office (RICO), offers this form as a helpful tool for condominium owners and associations for use in the exchange process. **Use of this form is not mandatory.** For information about what records may be available or to file a complaint, call RICO's Consumer Resource Center (CRC) at **(808) 587-4272 (4CRC)** or visit us online at cca.hawaii.gov/rico.*

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HONOLULU, HI 96813
cca.hawaii.gov/rico

For Official Use Only

COMPLAINT FORM

Case No.

The company/individual you complained against will be informed of this complaint in order to facilitate resolution of this matter.
Your complaint may also be referred to mediation, if appropriate. This complaint will not be processed unless this form is complete, legible, signed with your original signature, dated and includes copies of all available evidence.

YOUR NAME

Please print legibly or type

(Last)

(First)

(Middle)

- ☐ Mr.
☐ Ms.
☐ Mrs.
☐ Dr.

Mailing Address:

Telephone no. where you may be reached (8 a.m.-4:30 p.m.):

Residence telephone:

Business telephone:

Email:

Cellular:

Fax:

NAME OF COMPANY OR INDIVIDUAL YOUR COMPLAINT IS AGAINST

- ☐ Mr.
☐ Ms.
☐ Mrs.

Address:

Telephone:

Fax:

Name of person you dealt with:

Email/Website Address:

License number:

Briefly explain your complaint (attach a separate sheet if necessary):

OTHER INFORMATION

1. Have you contacted the company/individual to try and resolve your complaint?

If you have not done so, please attempt to resolve your complaint with the company/individual before you file this complaint.

☐ I am unable to contact the company/individual.

☐ Yes (Please tell us what happened. Include names of persons contacted and dates of contact.)

2. What documents do you have to support your complaint? **Please attach COPIES of all documents. Do not submit originals; they will not be returned to you.**

☐ Contract

☐ Cancelled checks (front and back)

☐ Credit card statements

☐ Receipts

☐ Invoices

☐ Correspondence

☐ Warranty/Guarantee

☐ Advertisement and/or business card

☐ Other (please list) _____

3. What are you seeking as a resolution to your complaint? Please remember that what you are seeking may not be within the jurisdiction of this office.

If you believe that this complaint involves issues particularly affecting the elderly, please check here: ☐

I certify that all statements provided to the Regulated Industries Complaints Office (RICO) as part of this complaint are true and correct to the best of my knowledge. I understand that RICO is unable to represent private parties in court.

Sign here:

Date:

*Please submit this form with your **original signature** (failure to do so may delay the processing of your complaint).



This printed material can be made available for individuals with special needs in braille, large print or audio tape. Please submit your request to the Complaints and Enforcement Officer at 586-2666

CONDOMINIUM RECORDS REQUEST – ADDITIONAL INFORMATION PAGE

Complaints about requests for condominium records should include copies of all relevant information available including, but is not limited to, (1) any written request(s) for copies of association records or examination of association records, (2) a detailed list of the records or information requested in a table or chart format, and (3) any response(s) received from the condominium managing agent or condominium association's representative.

In order to allow time for compliance, complaints will not be processed until at least 30 days after the date you report your written request was filed with the condominium managing agent or condominium association.

NAME OF CONDOMINIUM MANAGING AGENT or CONDOMINIUM ASSOCIATION:

The following table is provided to assist both you, and us, with identifying the documents you have requested. Please fill it out, or provide RICO with a copy of your own table, containing the specific information outlined. We ask that you complete the table, even if you requested only one document. Please see **STEP 3** of the cover letter/instructions for an example of how to complete this page.

Date of Your Written Request	Date and Title (or Description) of Documents Requested	Indicate whether you requested to:		Indicate Whether You Received a Response:	
		Receive Copies	Examine Documents	No	Yes - <u>Provide Details</u> (attach add'l sheet if necessary)

The following documents are included with my complaint (check all that applies):

- ☐ My written request(s) for condominium association records
- ☐ My "Written Request for Condominium Association Records" table (if you used this form)
- ☐ Written response(s) to my records request from condominium managing agent or condominium association
- ☐ Other correspondence I have related to my written records request
- ☐ Other (please specify: _____)

**SUBMIT THIS CONDOMINIUM RECORDS REQUEST – ADDITIONAL INFORMATION PAGE TOGETHER
WITH YOUR COMPLETED RICO COMPLAINT FORM**

FOR YOUR INFORMATION:

A. In addition to this complaint, you may also file an action in civil court. Please get advice from your attorney on filing such a complaint.

B. RICO cannot represent private citizens in court nor collect any money for you. Please contact an attorney for advice on filing such an action.

COMPLAINANT'S ACKNOWLEDGMENT & CERTIFICATION:

I acknowledge that the complaint I am filing with RICO will only address the records listed in my written records request or the records I wrote on the "Written Request for Condominium Association Records" if I used that form. If I make another written request for records after this date, and I am not provided with records, I acknowledge that I will have to file a new complaint in accordance with RICO procedures.

I acknowledge that RICO is unable to and does not represent the interests of private parties, like myself, in court.

I hereby certify that all statements in and included with my RICO complaint are true and correct to the best of my knowledge.

THANK YOU FOR ASSISTING OUR EFFORTS TO REVIEW YOUR COMPLAINT!

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