

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: November 13, 2013

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

Miles Ino, Executive Officer
Cynthia Yee, Senior Condominium Specialist
Benedyne Stone, 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: Ken Kiyohara
Marsha Shimizu, Hawaii Association of REALTORS®

Absent: Laurie A. Lee, Broker / Honolulu Commissioner

Call to Order: Chair Sherley called the meeting to order at 9:05 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 Lee was excused from the meeting. Prior notification of her non-attendance was received.

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 October 9, 2013 Condominium Review Committee meeting as circulated.

Condominium
Governance and
Management:

AOUO Registrations

Specialist Stone reported that as of October 31, 2013, 1,361 AOUOs have successfully registered.

Condominium Seminars and Symposium

CAI Hawaii 2014 Seminars – Per Current Contract Request for Condominium Education Trust Fund Subsidy

The committee acknowledged receipt of CAI Hawaii's request for approval of CETF subsidized seminars.

Specialist Yee informed the committee that the approval process for this type of request where the topic or subject matter of the seminar had been previously approved by the Commission, such had been delegated to staff. Staff is thus reporting that the requested seminars fall within the delegation and staff is approving the requested seminars being offered through June 30, 2014 for CETF subsidies subject to the terms and conditions of the existing contract and the availability of the CETF monies.

The discussion that followed included Commissioner Cobb's suggestion that CAI Hawaii offer seminars on the island of Kauai; Commissioner Gendrano's observation that it appears that CAI Hawaii offers the same seminars every year; and Chair Sherley's remarks that the same seminars yearly may be beneficial to those incoming board members and beneficial as an update to others.

CAI Hawaii 10/17/13 Seminar – "Hoarders, Boarders, & Boomers"-- Evaluation

Evaluations submitted by Specialists Yee and Linster were distributed for informational purposes. Specialist Linster's written comments were included in her evaluation.

Case Law Review Program

The following was distributed for informational purposes: *Peters v. Lexington Ins. Co.* 836 F.Supp. 2d 1117 (D. Haw. 2011).

Condominium Related Articles

The following were distributed for informational purposes: "Research Insurance Policies Carefully To Find Best Fit" *StarAdvertiser.com* (September 15, 2013) and "Biggert-Waters Flood Insurance Reform Act 2012," "Understanding the Type of Flood Zones," "Pre-FIRM vs. Post-FIRM," and "October 2013 Specific Rate Guidelines Released."

Condominium Project Registration - Public Reports Issued

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

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNITS	REPORT	DATE
4002	115A & 115B POPOIA ROAD	115 A & B POPOIA RD KAILUA HI 96734	145010078	2	SUPPL	10/1/2013
6530	1326 & 1326A 13TH AVENUE	1326 & 1326A 13TH AVE HONOLULU HI 96816	133009050	2	B AMD	10/21/2013
7335	135 AND 137 BOYD LANE	135 & 137 BOYD LN HONOLULU HI 96813	122008073	2	B RPT	10/28/2013
7417	2017 FERN STREET CONDOMINIUM	2017 FERN ST HONOLULU HI 96826	127003043	3	B RPT	10/9/2013
7334	801 SOUTH ST	801 SOUTH ST HONOLULU HI 96813	121047003	915	B AMD 2	10/18/2013
7434	823 LAULA WAY	823 LAULA WAY & 824 PIIKOI ST HONOLULU HI 96814	123011040	2	B RPT	10/10/2013
7416	CASA KULA	215 PULEHU NUI RD KULA HI 96790	223001076	2	B RPT	10/21/2013
7402	H.K.B. CONDOMINIUM	200 NOHEA KAI DR LAHAINA HI 96761	244013008	136	B REPT	10/2/2013
7419	HEAMOI HALE	5970-B HEAMOI PL KAPAA HI 96746	444011027	2	B RPT	10/9/2013
7437	KIPUKA AT HOAKALEI INCREMENT 2	KAIKOHOLA ST EWA BEACH HI 96706	191162012	8	B RPT	10/23/2013
7324	KUKUNA AT MEHANA	WAKEA ST KAKALA ST MANAWAI KAPOLEI HI 96707	191016212	73	B AMD	10/23/201
7158	MALUHIA ALOHA MANA'OLANA CONDO	LOT 157 - H KIPAPA RD KAPAA HI 96746	444008001	2	B AMD	10/7/2013
7439	MILO COURT AT KEHALANI (PHASE 8)	OFF HONOAPIILANI HWY & WAILUKU HI 96793	235001081	8	FINAL	10/30/2013
7423	MOMI PLACE CONDOMINIUM	289 MOMI PL WAILUKU HI 96793	234025033	2	B RPT	10/11/2013
4095	PUU O HOKU	59-589E KAMEHAMEHA HWY HALEIWA HI 96712	159003018	2	SUPPL	10/23/2013
7363	WAILUALANI ESTATES	4616 HALEILIO RD KAPAA HI 96746	441006038	4	B RPT	10/21/2013

0	Preliminary Reports
0	Contingent Final Reports
1	Final Reports
2	Supplementary Reports
9	B Reports
4	B Amendment Reports
16	TOTAL REPORTS

CPR Workshops and Meetings - November 5, 2013

Specialist Yee reported that a written report will be submitted including recommendations made by the Consultants at the forum. She noted that it was a very interactive session and included two neighbor island Consultants participating via video conference. Among other issues and subjects, the consultants discussed the CRC's referral to the consultants' forum as to a definition for "Spatial Units." The apparent consensus reached among the consultants leaned towards keeping the status quo on this subject as set forth in Commission's informal non-binding interpretations. Commissioner Faulkner noted that the developer's public report form was also a topic of interest and centered around how to increase consumers' reading and understanding of the developer's public report, etc. Discussion at the forum included the possibility of an educational consumer handout on understanding the developer's public report.

Commissioner Faulkner also noted the Consultants' frustration with the multiple informal non-binding interpretations.

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

Commissioner Senter suggested that with the Commissioners' expertise and networking contacts to create a blue ribbon panel to address practical aspects and to assist staff with the Chapter 107 rulemaking process.

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

Condominium Specialist Office for the Day

Report on the October 9, 2013 Specialist Office for the Day was distributed for informational purposes.

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 Faulkner, seconded by Commissioner Gendrano, it was voted on and unanimously carried to accept the Condominium Education Trust Fund Financial Report for the period ending September 30, 2013.

Next Meeting: December 11, 2013
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 9:48 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

November 14, 2013

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____