

**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: October 7, 2015

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

Neil Fujitani, Supervising Executive Officer  
Miles Ino, Executive Officer  
Cynthia Yee, Senior 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: Marsh Shimizu, Hawaii Association of REALTORS®  
John Dotten, Lowell D. Funk, Inc.  
Harold Berman

Absent: Michael Pang, Broker / Honolulu Commissioner

Call to Order: Chair Sherley called the meeting to order at 10:44 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 Pang was excused from the meeting. Prior notification of his non-attendance was received.

Condominium  
 Specialist's  
 Report:

**Additional Distribution**

The following materials were distributed prior to the start of the meeting:

- 6. Program of Work, FY16
  - b. Advice, Education, and Referral
  - e. Rulemaking, Chapter 107/119 – August 28, 2015 Letter From Robert L. Wund Re Rule Making - Revisions to HAR 16-107 Subchapter 6 ["Requirements For Replacement Reserves"] -- Previously presented orally at the CRC's September 4, 2015 meeting

Minutes:

Upon a motion by Commissioner Lee, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the minutes of the September 4, 2015 Condominium Review Committee meeting as circulated.

Condominium  
 Governance and  
 Management:

**AOUO Registrations**

Specialist Yee reported that as of September 30, 2015, 1,319 AOUOs have successfully registered.

**Condominium Seminars and Symposium**

Commissioner Arakaki reported that he monitored CAI Hawaii Chapter's seminar entitled "Firing Line: Do's and Don'ts of Employment Law." The seminar was well attended and appears to have been of benefit to unit owners as well as others.

**Condominium Related Articles**

The article entitled "An Update of Condominium Law Since the 2006 Recodification" from the September 2015 issue of *Hawaii Bar Journal* was distributed for informational purposes.

Condominium  
 Project  
 Registration:

**Condominium Project Registration - Public Reports Issued**

A list of those condominium projects issued effective dates during the month of September 2015 were distributed for informational purposes.

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNIT	REPORT	DATE
7705	1828 AND 1828A KAIKUNANE LOOP CONDO	1828 & 1828A KAIKUNANANE LP HONOLULU HI 96817	116028003	2	B REPT	9/4/2015
7694	45-736 AND 45-738 ANOI ROAD CONDO	45-736 & 45-738 ANOI RD KANEEOHE HI 96744	145072015	2	B REPT	9/29/2015
5371	59-029 HOLAWA STREET	59-029 HOLAWA ST HALEIWA HI 96712	159001110	4	SUPPL	9/29/2015
7692	AANA CONDOMINIUM	4975 MENEHUNE RD WAIMEA HI 96796	416002009	5	B REPT	9/9/2015
7713	ANOI ESTATES	45-840 ANOI RD KANEEOHE HI 96744	145068058	5	B REPT	9/24/2015
5068	BATES ESTATES CONDOMINIUM	2221 KUA ROAD KOLOA HI 97656	428018035	2	SUPPL	9/18/2015
7681	ELEELE HALE CONDOMINIUM	439 MEHANA RD ELEELE HI 96705	421001053	2	B REPT	9/9/2015
7696	FREITAS FAMILY LOTS	99-1040 PUUMAKANI ST AIEA HI 96701	199030004	2	B REPT	9/4/2015
6870	GEORGE A. FERN	7190 KAHUNA RD KAPAA HI 96746	446004040	2	B AMD	9/9/2015
2685	HALE O KE KOA MALUHIA	44-118 IKEANANI DR	144013047	2	SUPPL 2	9/8/2015

7711	HAMAKUA LOA VIEWS CONDOMINIUM	KANEOHE HI 96744 1793 KAUPAKALUA RD HAIKU HI 96708	227014053	2	B REPT	9/17/2015
5569	KA'IULANI OF PRINCEVILLE	4100 QUEEN EMMA DR PRINCEVILLE HI 96722	453006022	77	SUPPL	9/18/2015
2405	KAU HALE O` HANAIEI	KUHIO HWY HANAIEI HI 96714	455006024	2	SUPPL	9/24/2015
7689	KAWEO CONDOMINIUM	17 & 23 KAWEO PL KULA HI 96790	222020064	2	B REPT	9/22/2015
5183	KT CONDOMINIUM	2005 KALIA ROAD HONOLULU HI 96815	126009013	46	SUPPL 3	9/14/2015
7676	MAKALEA CONDOMINIUM	MAKALEA ST KOLOA HI 96756	428031173	2	B REPT	9/25/2015
7665	MAKENA BEACH CLUB AND RESIDENCES	5400 MAKENA ALANUI RD WAILEA HI 96753	221005086	64	B AMD	9/29/2015
7698	MAKILA RIDGE LOT 9 CONDOMINIUM	LOT 9 MAKILA RIDGE SUBDIV. LAHAINA HI 96761	247001052	3	B REPT	9/17/2015
7706	MANAWA AT MEHANA	1051 KAKALA ST & 458 MANAWAI ST KAPOLEI HI 96707	191160038	92	B REPT	9/28/2015
2672	MJF DEVELOPMENT	73-966 AHIKAWA ST KAILUA-KONA HI 96740	373028054	2	SUPPL	9/17/2015
4576	OMAO PILI AU CONDOMINIUM	LOT 50-C OMAO HMSTDS OMAO HI	427004100	2	SUPPL	9/24/2015
7518	PILI MAI AT PO'IPU (PHASE 1)	2611 KIAHUNA PLANTATION DR KOLOA HI 96756	428014033	52	B AMD	9/17/2015
4918	POIPU BUNGALOWS	2231 KUAI RD KOLOA HI 96756	428018033	4	SUPPL	9/15/2015
6489	PUA CONDOMINIUM	402 PUA RD KAPAA HI 96746	441013046	2	B AMD	9/29/2015
7712	VILLA KINALAU	751 & 751A KINALAU PL HONOLULU HI 96813	121040017	2	B REPT	9/17/2015
6199	VILLAS AT KEHALANI PHASE I THE	KEHALANI PKWY WAILUKU HI 96793	235001074	82	B AMD 13	9/8/2015
6712	VILLAS AT KEHALANI PHASE II THE	KEHALANI PKWY WAILUKU HI 96793	235001074	21	B AMD 11	9/8/2015
0	<b>Preliminary Reports</b>					
0	<b>Contingent Final Reports</b>					
0	<b>Final Reports</b>					
9	<b>Supplementary Reports</b>					
12	<b>B Reports</b>					
6	<b>B Amendment Reports</b>					
27	<b>TOTAL REPORTS</b>					

### Case Law

The following article and related case law were distributed for informational purposes: "Supreme Court Overrules city's height variance for Kyo-ya Hotel", StarAdvertiser.com Posted September 24, 2015; and Surfrider Foundation v. Zoning Bd. Of Appeals, -- P.3d -- (2015), 2015 WL5597179.

### Program of Work: **Advice, Education, and Referral**

Specialist Choy reported that staff participated in an educational outreach at the request of Moana Pacifica AOUO regarding the condominium law, Chapters 514A and 514B. Questions asked ranged from the explanation of specific sections of the statute to the differences between Chapters 514A and 514B.

### **Rulemaking, Chapter 107/119 - August 28, 2015 Letter From Robert L. Wund Re Rule Making - Revisions to HAR 16-107 Subchapter 6 ["Requirements For Replacement Reserves"] -- Previously presented orally at the CRC's September 4, 2015 meeting**

Specialist Yee noted that Mr. Wund appeared before the Committee at the September 4, 2015 meetings in Kona to discuss rulemaking relating to reserves. Mr. Wund, at that meeting, discussed the contents of his August 28, 2015 letter, which was not available to the committee then, and was now being distributed for

informational purposes. Issuance of a standard general reply was delegated to staff.

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: Specialist Gruppen reported that he submitted a revised page 3 of the report as there was an incorrect calculation in the originally submitted page 3 of the report.

Upon a motion by Commissioner Cobb, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the Condominium Education Trust Fund Financial Report for the period ending June 30, 2015.

Next Meeting: November 10, 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 11:03 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

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Cynthia M. L. Yee  
Senior Condominium Specialist

October 9, 2015

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Date

Minutes approved as is.

Minutes approved with changes; see minutes of \_\_\_\_\_