

**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: August 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

Neil Fujitani, Supervising Executive Officer  
Miles Ino, Executive Officer  
Carole Richelieu, 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: Dale Head, Condominium Owners Coalition  
David Kenny, Savio Academy of Real Estate  
Chanda Turnbull, PSI Services  
Jo Anne Wingate, PSI Services  
Wayne Thornburn, PSI Services  
John White, Condo Owner's Coalition  
Myoung Oh, Hawaii Association of REALTORS®  
Lila Mower, Hui 'Oia'i'o  
Barbara Nishikawa, BIA Hawaii  
M. Russell Goode, Savio Academy of Real Estate

Absent: Michael Pang, Broker / Honolulu Commissioner

Call to Order: Chair Sherley called the meeting to order at 9:33 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:

#### **Minutes**

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

Condominium  
Governance and  
Management:

#### **AOUO Registrations**

Specialist Stone reported that as of July 31, 2016, 1,658 AOUOs have successfully registered.

#### **Case Law Review Program**

The following was distributed for informational purposes: HUD Release "HUD's Fair Housing Decision Upheld by First Circuit Court of Appeals" San Juan, Puerto Rico, Condo Association Discriminated Against Resident with Disabilities.

Condominium  
Project  
Registration:

#### **Condominium Project Registration - Public Reports Issued**

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

<b>PROJ</b>	<b>PROJECT NAME</b>	<b>PROJECT ADDRESS</b>	<b>TMK #</b>	<b>UNITS</b>	<b>REPORT DATE</b>
7830	2159 AND 2159A AWIKIWIKI PLACE CONDOMINIUM	2159 & 2159A AWIKIWIKI PL PEARL CITY HI 96782	197049019	2	B REPT 7/18/2016
7836	3124 WINAM AVENUE	3124 WINAM AVE HONOLULU HI 96816	131003002	2	B REPT 7/7/2016
7838	623 AND 623A 10TH AVENUE	623 10TH AVE HONOLULU HI 96816	132028027	2	B REPT 7/6/2016
7859	732 SPENCER STREET, 1510 EMERSON STREET & 1512	732 SPENCER ST, 1510 EMERSON HONOLULU HI 96813	121039*025	3	B REPT 7/25/2016
7759	988 HALEKAUWILA	988 HALEKAUWILA ST HONOLULU HI 96814	121050001	425	B AMD 7/21/2016
7787	ALA MOANA ESTATES CONDO	1191 FRONT ST LAHAINA HI 96761	245004010	4	B AMD 7/7/2016
7637	ALIOMANU SUNRISE TERRACE	5047 ALIOMANU RD ANAHOLA HI 96703	449004025	2	B REPT 7/15/2016

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7833	BETTENCOURT ESTATES	HELENA LANE KAPAA HI 96746	446007021	2	B REPT	7/14/2016
7470	CLUB BUNGALOWS AT KUKUI'ULA PHASE 1A THE	KE ALAULA KOLOA HI 96756	426019017	5	B AMD 4	7/14/2016
7826	HALEIWA COUNTRY ESTATES I	66-166 & 66-168 WAIALUA BEACH RD HALEIWA HI 96712	166034078	2	B REPT	7/14/2016
7829	HALEIWA COUNTRY ESTATES II	66-162 & 66-164 WAIALUA BEACH RD HALEIWA HI 96712	166034078	2	B REPT	7/18/2016
5577	HARTLEY ESTATES	LOT 20-M-5-A WAILUA HI	442006012	2	SUPPL	7/12/2016
7824	KAHAONE LOOP DUPLEX	67-237A & 67-237B KAHAONE LP WAIALUA HI 96791	167015048	2	B REPT	7/8/2016
7728	KAINANI VILLAS - BLDGS 1 AND 2	ALA PUALEIKUKUI ST KOLOA HI 96756	426020022	8	B AMD	7/1/2016
7835	KAMANI AT KEHALANI (PHASE 2)	OFF OMA'OMA' O ST WAILUKU HI 96793	235001090	12	B REPT	7/7/2016
7837	KUAMOO RIVER VALLEY VIEW	6471 KUAMOO RD KAPAA HI 96746	442006154	2	B REPT	7/14/2016
7788	KUPOLO HALE	2774 KAPENA ST LIHUE HI 96766	432008018	2	B REPT	7/14/2016
7708	MAKALI'I AT WAILEA	KAUKAHI ST & WAILEA ALANUI DR WAILEA HI 96753	221008120	68	B AMD	7/8/2016
7464	MAKENA SUNSET	5415 5417 5419 & 5421 MAKENA RD MAKENA HI 96753	221007066	4	B AMD	7/27/2016
7825	PARKSIDE BY GENTRY IV	91-6221 KAPOLEI PARKWAY EWA BEACH HI 96706	191164022	7	B REPT	7/1/2016
7834	PILI MAI AT PO'IPU (PHASE 3)	2611 KIAHUNA PLANTATION DR KOLOA HI 96756	428014032	14	B REPT	7/8/2016
7831	PUEO AINA	211 PIIHOLO RD HAIKU HI 96708	224012070	2	B REPT	7/19/2016
7678	PULAMA `ULA CONDOMINIUM	PUUPILO RD KAPAA HI 96746	442022069	5	B REPT	7/14/2016
6199	VILLAS AT KEHALANI - PH I THE	KEHALANI PKWY WAILUKU HI 96793	235001074	103	B AMD 15	
6712	VILLAS AT KEHALANI - PH II THE	KEHALANI PKWY WAILUKU HI 96793	235001074	0	B AMD 13	

0	<b>Preliminary Reports</b>
0	<b>Contingent Final Reports</b>
0	<b>Final Reports</b>
1	<b>Supplementary Reports</b>
16	<b>B Reports</b>
8	<b>B Amendment Reports</b>
25	<b>TOTAL REPORTS</b>

**CPR Project – Advisory letter delegation**

Specialist Choy reported that staff is requesting delegation to issue advisory letters to condominium developers as a means of information distribution.

Commissioner Arakaki noted that concerns raised by unit owners could be addressed in an advisory letter to clarify the law or issue.

Commissioner Senter questioned if an advisory letter is the same as an opinion?

Specialist Choy responded in the negative noting that staff would be providing clarification or reminders.

SEO Fujitani provided that staff could recite in the advisory letters the statute on a particular issue. Staff receives many complaints and could cite the laws and rules as a reminder to consumers.

Commissioner Senter noted that she is hearing several different explanations of an advisory letter, 1) newsletter type updating owners on recent issues and providing general information; 2) fact specific advisory letters; and 3) informal non-binding interpretations. Requesting clarification of the request.

Commissioner Arakaki noted that the condominium hotline is available, not for legal advice, but to provide general information on condominiums.

SEO Fujitani commented that when issues are brought up to staff they are normally addressed in the Condominium Bulletin, so staff is not looking at an advisory letter in the form of a newsletter.

Upon a motion by Commissioner Arakaki, seconded by Commissioner Klein, it was voted on and unanimously carried to table the issue for further study.

Program of Work:

**Neighbor Island Outreach**

As reported at the Laws and Rules Review Committee meeting, the September 14, 2016 Committee meetings, in conjunction with the Specialists' Office for the Day program, will be held on Kauai at the Grove Farm Building Conference Room in Lihue.

**Consumer Education – Postcard/Magnet Mailing**

It was reported that not all information provided to the Associations and Board of Directors actually reach the owners. Some owners may be unfamiliar with the Real Estate Branch and what we offer. Staff is looking to be proactive and considering an outreach to all owners within every registered condominium association via a postcard/magnet mailing providing the Real Estate Branch contact information, website, etc.

Commissioner Arakaki suggested staff compare the cost of providing the mailing against other informational opportunities.

Specialist Choy responded that the Branch would be looking at doing a tangible mailout to approximately 170,000 unit owners. Mailing fees would be costly, but leaving the owner with a tangible item may increase awareness.

Commissioner Klein suggested looking into a sticker rather than a magnet as the weight will be far less and reduce the postage cost.

Upon a motion by Commissioner Arakaki, seconded by Commissioner Faulkner, it was voted on and unanimously carried to delegate to staff to procure for a postcard/magnet mailing, or similar educational mailout, to inform all owners of the Real Estate Branch contact information, website, etc.

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: September 14, 2016  
Upon adjournment of the Laws and Rules Review Committee meeting scheduled to convene at 9:30 a.m.  
Grove Farm Building Conference Room  
3-1850 Kaumualii Hwy.  
Lihue, Kauai

Adjournment: With no further business to discuss, Chair Sherley adjourned the meeting at 9:50 a.m.

Respectfully submitted:

Dathan Choy

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Dathan Choy  
Condominium Specialist

August 11, 2016

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Date

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