

**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 9, 2017

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: Laurie A. Lee, Chair, Broker / Honolulu 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  
Aleta Klein, Broker / Honolulu Commissioner  
Michael Pang, Broker / Honolulu Commissioner  
Sean Ginoza, Broker / Hilo Commissioner

Neil Fujitani, Supervising Executive Officer  
Carole Richelieu, Senior Condominium Specialist  
Benedyne Stone, Condominium Specialist  
Dathan Choy, Condominium Specialist  
Diane Choy Fujimura, Senior Real Estate Specialist  
Amy Endo, Real Estate Specialist  
Shari Wong, Deputy Attorney General  
Tammy Norton, Recording Secretary

Others: Myoung Oh, Hawaii Association of REALTORS®  
Ethel Keyes, Hawaii Association of REALTORS®  
Kristina Lum, Hawaii Association of REALTORS®  
Marsha Shimizu, Hawaii Association of REALTORS®  
James Stone

Absent: None

Call to Order: The Chair called the meeting to order at 9:10 a.m., at which time quorum was established.

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**

Upon a motion by Commissioner Faulkner, seconded by Commissioner Wada, it was voted on and unanimously carried to accept the minutes of the July 12, 2017 Condominium Review Committee meeting as circulated.

Condominium  
Governance and  
Management:

### **AOUO Registrations**

Specialist Stone reported that as of July 31, 2017, 526 AOUOs have successfully registered for the 2017-2019 biennium. The new biennium began July 1, 2017 and staff is continuing to process the re-registrations.

### **Condominium Seminars and Symposium**

It was reported that the contract with the Community Associations Institute Hawaii Chapter for educational seminars has been fully executed.

### **Case Law Review**

The following case law were distributed for informational purposes:

- 1) Palm v. 2800 Lake Shore Drive Condominium Ass'n, Illinois Appellate Court, May 2, 2014
- 2) Alliance Property Management, LTD. v. Forest Villa of Countryside Condominium Association, Illinois Appellate Court, December 24, 2015
- 3) Palm Springs Villas II Homeowners Association, Inc. v. Erna Parth, California Appellate Court, June 21, 2016
- 4) Vien-Phuong Thi Ho v. ReconTrust Company et al, Ninth Circuit Court of Appeals, October 19, 2016 (amended May 22, 2017)
- 5) McShane v. Stirling Ranch Property Owners Association, Inc., Colorado Supreme Court, May 1, 2017
- 6) Tyra Summit Condominiums II Association, Inc. v. Katherine Jean Clancy and Heather Clancy, Colorado Court of Appeals, May 18, 2017
- 7) In Re Villas at Highland Park Homeowners Assoc. v. Villas at Highland Park, LLC, Colorado Supreme Court, May 22, 2017
- 8) Krishna Narayan et al v. Association of Apartment Owners of Kapalua Bay Condominium et al, Hawaii Supreme Court, June 15, 2017
- 9) Elvaton Towne Condominium Regime II, Inc. et al v. William Kevin Rose, et ux, Maryland Court of Appeals, June 23, 2017.

Condominium  
 Project  
 Registration:

**Condominium Project Registration - Public Reports Issued**

A list of those condominium projects issued effective dates during the month of July 2017 was distributed for informational purposes.

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	UNITS	REPORT	DATE
8009	1126 KAILI STREET	1126 KAILI ST HONOLULU HI 96819	113004004	2	B REPT	7/11/2017
8027	1525&1525A AMELIA STREET	1525 AND 1525A AMELIA STREET HONOLULU HI 96819	113015054	2	B REPT	7/26/2017
8025	650 & 652 9TH AVENUE	650 & 652 9TH AVE HONOLULU HI 96816	132027055	2	B REPT	7/18/2017
8018	66 KARSTEN DRIVE	66, 66A, 66B KARSTEN DR WAHIAWA HI 96786	175015049	3	B REPT	7/27/2017
7626	AHOPUEO CONDOMINIUM	AHOPUEO DR KALAHEO HI 96741	423022014	6	B AMEND	7/6/2017
8008	DUARTE FAMILY CONDOMINIUM	411 AND 415 IAO VALLEY ROAD WAILUKU HI 96793	235003005	2	B REPT	7/27/2017
8011	HUI KUAI AINA O PEAHI I	4907 HANA HWY HAIKU HI 96708	228006002	2	B REPT	7/18/2017
3049	KAAPAHU HOMESTEADS LOT 44-C	LOT 44C KAAPAHU HMSTDS PAAUILO HI 96776	344012006	2	SUPPL	7/26/2017
8026	KALUANUI RIDGE LOT 1-B CONDOMINIUM	LOT 1-B KALUANUI RIDGE MAKAWAO HI 96768	225004086	2	B REPT	7/31/2017
8021	KAU LUA`OLE	3183 WAWAE PLACE KALAHEO HI 96741	424002023	2	B REPT	7/11/2017
8035	LANIPO RESIDENTAL CONDOMINIUM	76, 80 & 84 LOHA STREET PUKALANI HI 96768	223024005	3	B REPT	7/31/2017
8013	NANI NIUMALU	HULEMALU ROAD, MIUMALU LIHUE HI 96766	432002036	4	B REPT	7/26/2017
7575	PARK LANE	1388 ALA MOANA BLVD HONOLULU HI 96814	123038013	215	B AMEND	7/31/2017
7820	PARK LANE (PHASE 2)	1388 ALA MOANA BLVD HONOLULU HI 96814	123038013	6	B AMEND	7/31/2017
7894	POHAKALA AT MEHANA	KAKALA ST & KAMAHA ST KAPOLEI HI 96707	191160051	127	B AMEND	7/12/2017
7987	THE BUNGALOWS AT NAPILI BAY	12 HUI DRIVE LAHAINA HI 96761	243003056	2	B REPT	7/27/2017
0	Preliminary Reports					
0	Contingent Final Reports					
0	Final Reports					
1	Supplementary Reports					
11	B Reports					
4	B Amendment Reports					
16	TOTAL REPORTS					

**CaseLaw**

The following case law were distributed for informational purposes:

- 1) Vallagio at Inverness Residential Condo. Ass'n v. Metro. Homes, Inc., Colorado Supreme Court, June 5, 2017
- 2) Condominiums at Lilac Lane Unit Owners' Association v. Monument Garden, LLC et al, New Hampshire Supreme Court, June 9, 2017
- 3) Krishna Narayan et al v. The Ritz-Carlton Development Company, Inc. et al, Hawaii Supreme Court, July 14, 2017

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

Staff's written report on attendance at the seminar "Hawaii's Shoreline: Legal & Regulatory Issues, Sea Level Rise & Adaptation" was distributed for informational purposes.

Specialist Choy reported that he attended the HSBA Real Estate Section Legislative Update meeting to provide information on the repeal of Chapter 514A. The Branch will be providing guidance to developers.

**Neighbor Island Outreach**

Specialist Richelieu reported that she has researched venues for outreach on the neighbor islands. She reported that the Contractors Association of Kauai tradeshow is normally held in April, the Construction Industry of Maui Home Show is held in June, Hawaii Island Realtors Annual Home Expo in September, and the Maui County Fair held in October. Staff will look into participating and providing educational materials at future neighbor island venues.

Condominium Organizations Forum: No comments, recommendations or concerns were received.

CETF Budget & Finance Report: Upon a motion by Commissioner Faulkner, seconded by Commissioner Arakaki, it was voted on and unanimously carried to accept the Condominium Education Trust Fund Financial Report for the period ending March 31, 2017.

Next Meeting: September 13, 2017  
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, the Chair adjourned the meeting at 9:36 a.m.

Respectfully submitted:

/s/ Carole R. Richelieu

---

Carole R. Richelieu  
Senior Condominium Specialist

August 10, 2017

---

Date

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