

**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: May 8, 2019

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  
John Love, Vice Chair, Public / Honolulu Commissioner  
Bruce Faulkner, Broker / Maui Commissioner  
Scott Arakaki, Public / Honolulu Commissioner  
Aleta Klein, Broker / Honolulu Commissioner  
Sean Ginoza, Broker / Hawaii Island Commissioner  
Russell Kyono, Broker / Kauai Commissioner

Neil Fujitani, Supervising Executive Officer  
Miles Ino, Executive Officer  
Carole Richelieu, Senior Condominium Specialist  
Benedyne Stone, Condominium Specialist  
Dathan Choy, Condominium Specialist  
Lorie Sides, Condominium Education 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: Chatney Pacheco, Hawaii Association of REALTORS®  
Ethel Keyes, Hawaii Association of REALTORS®  
Jeremy Robinson  
Lourdes Scheibert, Kokua Council, The Hui  
James Stone, Esq.

Absent: Aileen Wada, Broker / Honolulu Commissioner  
Michael Pang, Broker / Honolulu Commissioner

Call to Order: The Chair called the meeting to order at 9:05 a.m., at which time quorum was established.

Chair's Report: 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.

Commissioners Wada and Pang were excused from the meeting. Prior notification of their non-attendance was received.

Condominium  
Specialist's  
Report:

### Minutes

Upon a motion by Commissioner Kyono, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the minutes of the April 17, 2019 Condominium Review Committee meeting as circulated.

Condominium  
Governance and  
Management:

### AOUO Registrations

Specialist Stone reported that as of April 30, 2019, 1,607 AOUOs have successfully registered.

### Condominium Seminars and Symposium

CAI Hawaii Board Leadership Development Workshop – Specialist Sides will provide educational materials and will be available for questions at the seminar. She will also monitor the CETF subsidized seminar during her attendance. The seminar will be held at the Aloha Tower with an expected attendance of at least 75 individuals.

REC/CAI Hawaii Condorama V – a written report of the April 13, 2019 Condorama V was distributed for informational purposes. Specialist Stone reported that there were 132 attendees, the largest number of attendees to date. Average attendance has been 75. For the first time, the Real Estate Branch took out newspaper ads to promote the event and staff considers the advertising to be worthwhile. Evaluation data was also provided for the commissioners' review. Condorama V was videoed by staff and has been posted to the Commission's website at [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec).

### Case Law Review Program

The following were distributed for informational purposes: Scott et al. v. Fall Line Condominium Association, Maine, April 4, 2019; Larson et al. v. Castle at the Bay, LLC et al., Wisconsin, October 25, 2018; and Phillips Bay Condominium Association, Inc., v. Seachrist, Florida (arbitration), February 22, 2017.

### Condominium Related Articles

The following articles were distributed for informational purposes: "Client and lawyer, a 'willful enabler,' sanctioned over \$1M for 'simply obscene' condo litigation", American Bar Association Journal, April 8, 2019; "How an AOA Lost \$2.3M", Building Management Hawaii, April 2019; and "Saga of Nightmare Neighbor at Orlando Condo Ends with Conviction for Stalking", Florida HOA Lawyer Blog, March 8, 2019.

Condominium  
Project  
Registration:

### Condominium Project Registration - Public Reports Issued

A list of those condominium projects issued effective dates during the month of April 2019, was distributed for informational purposes.

PROJ #	PROJECT NAME	PROJECT ADDRESS	TMK #	TOTAL	REPORT	DATE
8326	1131 AND 1133 8TH AVENUE	1131 & 1133 8TH AVE HONOLULU HI 96816	132004069	2	B AMEND	4/4/2019
8267	2430 BALDWIN CONDOMINIUM	2430 BALDWIN AVE MAKAWAO HI 96768	25003044	2	B REPT	4/23/2019
8291	744 AND 744A 22ND AVENUE	744 & 744A 22ND AVE HONOLULU HI 96816	132057043	2	B REPT	4/2/2019

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7759	988 HALEKAUWILA	988 HALEKAUWILA ST HONOLULU HI 96814	121050001	425	B AMEND	4/12/2019
8303	ABSHER ALOHA ESTATES	LOT 24-K LAWAI HOMESTEADS LAWAI HI 96756	426009021	2	B REPT	4/12/2019
8282	COTTAGES AT DIAMOND HEAD	3010 & 3010A KAUNAOA ST HONOLULU HI 96815	131024043	2	B REPT	4/17/2019
7886	GOATSDOROAM CONDOMINIUM	3369 HAILIMA RD LAWAI HI 96765	426001032	5	B AMEND	4/2/2019
8324	GREEN HOMES HANAIEI STREET - B	84-808C & 84-808D HANAIEI ST WAIANAE HI 96792	184015044	2	B REPT	4/11/2019
8319	HAIKU TOWN LOT 5 CONDOMINIUM	262 HEKUAWA ST HAIKU HI 96708	227038005	2	B REPT	4/12/2019
8260	ILALO KAI	CORNER ILALO/OPAE PL KAPAA HI 96746	442006120	2	B REPT	4/17/2019
8334	KALOKO PLANTATION	NOHONA ST KAPOLEI HI 96707	192019089	4	B REPT	4/22/2019
8315	KIPAPA HILLS CONDOMINIUM	KIPAPA RD KIPAPA HI 96746	444002033	5	B REPT	4/16/2019
8330	LINDA VISTA CONDOMINIUM	91 KUMU NUI PL LAHAINA HI 96761	247010029	2	B REPT	4/4/2019
8312	LOT 4 MAKILA RIDGE CONDOMINIUM	LOT 4 MAKILA RIDGE LAHAINA HI 96761	247001047	2	B RPT	4/5/2019
8313	MANOA IKI	3596 NIPO ST HONOLULU HI 96822	129075063	5	B REPT	4/16/2019
8316	MATSUMOTO-AWA CONDOMINIUM	45-551 & 45-551A ANOI RD KANEHOE HI 96744	145097062	2	B REPT	4/17/2019
6367	NANALA AT MEHANA	MANAWAI ST KAPOLEI HI 96707	191016131	100	B AMEND	4/11/2019
8332	OLINDA GLEN CONDOMINIUM	728 OLINDA RD MAKAWAO HI 96768	224010021	2	B REPT	4/9/2019
8345	OPANA POINT CONDOMINIUM	KAI POI PL HAIKU HI 96708	228003074	2	B REPT	4/29/2019
8335	PILI MAI AT PO'IPU (PHASE 14)	2611 KIAHUNA PLANTATION DR KOLOA HI 96756	428014033	11	B REPT	4/12/2019
8298	POLAKOW HAIKU	1825 HAIKU RD HAIKU HI 96708	227007023	4	B REPT	4/16/2019
8331	SIERRA TERRACE	4494, A, B, C SIERRA DR HONOLULU HI 96816	133024006	4	B REPT	4/11/2019
0	<b>Preliminary Reports</b>					
0	<b>Contingent Final Reports</b>					
0	<b>Final Reports</b>					
0	<b>Supplementary Reports</b>					
17	<b>B Reports</b>					
4	<b>B Amendment Reports</b>					
22	<b>TOTAL REPORTS</b>					

Program of Work: **Legislative Acts and Resolutions**

S.B. 725, S.D 1 – Act 007 – April 15, 2019 GM 1108 – Relating to Condominiums (HRS Section 514B-154); Specifies that a condominium association's proxies and ballots may be destroyed ninety days, rather than thirty days, after an association meeting, unless the election is contested, in which case the documents shall be retained until resolution of the contested election. The Act was effective upon its approval.

S.B. 1288, S.D. 1 – Act 014 – April 24, 2019 GM 1115 – Relating to Condominium Voting (HRS sections 514B-106 and 121); Permits a condominium board to direct the use of an electronic voting device at any condominium association meeting regardless of whether a secret ballot is used or required. Requires a condominium board to take reasonable steps to ensure secrecy and integrity of the votes, and that an audit trail be available after the meeting. The Act is effective July 1, 2019.

S.B. 1325 – Act 027 – April 25, 2019 – Relating to Condominiums (HRS Section 514B-3); Clarifies that condominium associations may invest in government money market funds. The Act was effective upon its approval.

**Condominium Speakership Program**

Hawaiian Properties, Ltd. – New Board Member Orientation – Specialists Sides and Richelieu participated as guest speakers in Hawaiian Properties New Board

Member Orientation on April 20, 2019. There were 15 board members and 8 staff in attendance. Staff has been invited back to do a larger workshop with Hawaiian Properties, Ltd.

Associa Hawaii AAMC® – Community Managers presentation – Specialists Sides and Richelieu also participated in Associa's Community Managers event on April 30, 2019. There were 26 in-person participants and approximately 15-20 phone-in participants. Staff has been invited back to do another workshop.

Hawaiiana Management – Seminar for Board Members – Specialist Sides will provide educational brochures and be available for questions at the May 18, 2019 seminar for board members.

Condominium  
Organizations Forum:

Ms. Lourdes Scheibert stated that she had emailed the Commission at 8:11 a.m. but did not bring 20 copies of her email with her. She stated that she is a condo owner belonging to the Kokua Council and a member of Hui 'Oia'i'o who submitted testimony on HB 347 relating to proxy voting. She noted that she also went to Representative Saiki's office to request help in deleting the option to give a proxy to the board as a whole. Ms. Scheibert noted that while she served on her board from 2011-2013, she objected to voting an incumbent director to serve another term because the director was chronically delinquent on her maintenance fees. Although the director was clearly in violation of the CC&Rs, the board continuously used the proxies as a whole and the majority continued to vote the director back in for repeated terms. The director's unit went into foreclosure and the debt for maintenance fees were written off as a "bad debt unable to collect." She further noted that Representative Saiki supported the bill, it passed the House, and was referred to the Senate. Ms. Scheibert visited Senator Baker to ask for her support of HB 347 and SB 724. Senator Baker made it clear that she cannot support a bill for just one person. Ms. Scheibert requested that the Commission support HB 347 and SB 724 during the 2020 legislative session and objected to attorneys and property managers testifying against the bills.

Next Meeting:

June 12, 2019  
Upon adjournment of the Laws and Rules Review Committee meeting scheduled to convene at 10:30 a.m.  
West Hawaii Association of REALTORS®  
75-5995 Kuakini Hwy., #221  
Kailua-Kona, HI 96740

Adjournment:

With no further business to discuss, the Chair adjourned the meeting at 9:36 a.m.

Respectfully submitted:

/s/ Carole R. Richelieu

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Carole R. Richelieu  
Senior Condominium Specialist

May 13, 2019

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Date

Minutes approved as is.

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

CRR:tn/