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COMPLAINTS AND
ENFORCEMENT OFFICER

STATE OF HAWAII
REGULATED INDUSTRIES COMPLAINTS OFFICE
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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HONOLULU, HAWAII 96813
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HILO OFFICE
120 PAUAHI STREET, SUITE 212
HILO, HAWAII 96720

KONA OFFICE
HUALALAI CENTER
75-170 HUALALAI ROAD, ROOM C-309
KAILUA-KONA, HAWAII 96740

MAUI OFFICE
1063 LOWER MAIN STREET, SUITE C-216
WAILUKU, HAWAII 96793

KAUAI OFFICE
3060 EIWA STREET, SUITE 204
LIHUE, HAWAII 96766

Dear Condominium Owner or Prospective Purchaser:

Below are some instructions on how to request condominium association documents from your association. If you should need to file a complaint, this process makes it easier for our office to review and/or investigate your complaint as expeditiously as possible.

****If you have already submitted your own written request to the association, skip to page 3 of these instructions.**

Enclosed is a condominium brochure about association documents, an “Owner’s Written Request For Condominium Association Records” form, and a Regulated Industries Complaints Office (RICO) complaint form. We ask that you read/review these instructions carefully **before** submitting a complaint to us for processing.

STEP 1 – Familiarize yourself with the law.

Before filing your complaint with RICO, we ask that you read the enclosed condominium brochure and familiarize yourself with the types of documents which may be made available as copies or for examination, and the potential fees, costs, and procedural requirements that may be involved.

Please be aware that although an owner or prospective purchaser may request any association record, the Board of Directors, Condominium Managing Agent, or Condominium Association Representative, is not obligated to provide access to all association documents and records not specifically identified on the condominium law.

STEP 2 – Put your request in writing and deliver your request to the association, preferably to the Condominium Managing Agent and via email or certified mail to determine when your request was received.

You must make a written request to receive copies or examine records of association documents. For your convenience, we have included an “Owner’s

Written Request for Condominium Association Records” form for your use. The use of this form is not mandatory, but highly recommended. Complete columns 1 – 3. If you are seeking a document not listed on the printed request form, please provide a detailed description of the document(s) such as the specific name, title, date, etc. in the section marked “Other.”

Please be aware that although an owner or prospective purchaser may request any association record, the Board of Directors, Condominium Managing Agent, or Condominium Association Representative, is not obligated to provide access to all association documents and records not specifically identified on the condominium law.

Please date your request form. The date is necessary for determining compliance with deadlines that may be imposed by law.

Important: Make a copy of this form for your records.

Deliver the completed and dated “Owner’s Written Request for Condominium Association Records” form to the Board of Directors, Condominium Managing Agent, and/or Condominium Association Representative. However, it is preferable that your request be delivered to the Condominium Managing Agent and be sent via email or certified mail to determine the specific date your request was received.

STEP 3 – Wait 30 days.

Allow the Board of Directors, Condominium Managing Agent, and/or Condominium Association Representative at least 30 days after receiving your written request to respond.

If you requested “Other” association records (which are not specifically identified in the condominium law) and your request is refused by the Board of Directors, Condominium Managing Agent, or Condominium Association Representative, the refusal must be in writing with an explanation of the refusal within 30 calendar days of the receipt or your request for association records.

If you do not receive a response after 30 days, please complete column 4 on your copy of the “Owner’s Written Request for Condominium Association Records.” This copy must be included with your written complaint form to RICO.

STEP 4 – Fill out and sign the enclosed “RICO Complaint Form” and attach a copy of the “Owner’s Written Request for Condominium Association Records” form.

If at least 30 days has passed and you were not provided with the records you requested in writing, or in some instances you did not receive a written explanation for the association’s refusal to provide you with records, you may file a RICO complaint.

Please attach a copy of the “Owner’s Written Request for Condominium Association Records” form (with the 4th column completed), to the RICO complaint form and submit it to our office.

RICO processes complaints about records requests one at a time.

Requesting records can be a fluid and on-going process; receiving a document may lead you to want to ask for something else. Allowing consumers to add to on-going complaints slows the RICO process. Therefore, RICO will address only the records originally requested in your complaint. If, after filing a RICO complaint, you make an additional request for records that is not met, you will need to file a new complaint with our office.

****If you have already submitted your own written request to the association:**

If you have already submitted your own written request to examine or receive copies of association documents and at least thirty (30) days have passed since you submitted the request, or in some instances you did not receive a written explanation for the association’s refusal to provide you with records, you may file a RICO complaint.

Because records disputes can include multiple requests, multiple documents, and multiple responses, information in a table or chart form helps us to process your complaint as expeditiously as possible – *even if you requested only 1 document*. A table or chart similar to what’s provided on the “Owner’s Written Request for Condominium Association Records” would be helpful. Please provide us with the following information:

1. The date of your written records request.
2. The name (or description) of the document you requested (please list each document separately).
3. The specific month(s) and year(s) for each document requested.
4. Specify whether you (a) requested copies or (b) requested to examine the association record or document.
5. Indicate whether you **did** or **did not** receive a response to your request from the condominium managing agent or condominium association.
 - If you received written response, please attach a copy of their response with your complaint.
 - If you received a verbal response, please provide details such as the individual’s name and position, date, and individual’s verbal statement.

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Regulated Industries Complaints Office
235 S. Beretania Street, Ninth Floor
Honolulu, Hawaii 96813
cca.hawaii.gov/rico

Got Records? **Information for Condo Owners About Access to Information**

What are condo associations? Condominium Associations are designed to be, and operate as, self-governing entities. Condominium law is based on principles of (1) self-governance and (2) owner-enforcement, with little or no government intervention. In fact, the word “condominium” comes from Latin words meaning “common ownership and control.”

Getting all the information you can, will give you the big picture you need....

1. Got records or documents?

Condominium Associations are self-governing entities, and the law provides for a condominium owner, or an authorized agent, to have access to select association information so that he/she can participate in managing the association. The documents required by law to be made available to owners and their agents are found in Chapter 514B of the Hawaii Revised Statutes. Some of the documents are listed in this brochure. The documents should tell you:

- what the condominium association is responsible for
- how members of the board are elected and may be removed
- the powers and duties of board members
- how the declaration or by-laws can be amended
- what can be done when a homeowner fails to meet an obligation, such as not paying maintenance fees

2. What must associations and owners do?

To facilitate the provision of information to owners, associations and their managing agents are **encouraged strongly** to maintain a list of documents, by title and date, which are available to owners. Or they should maintain a form “checklist,” of documents available for review or copying, for use by an owner seeking records.

In general, associations must provide the requested records by **no later than 30 days** after receiving an owner’s written request.

If the association does not have a form to fill out, the owner should submit a request to the association in writing that specifies the date and title of each record being requested. The owner should keep a copy of the written request in his or her files.

3. Re-sale, foundational, and docs affecting the common elements

Associations must maintain records that form the basis for the association and select information concerning common elements and re-sales. These include:

- **Resale Information.** Financial and other records sufficiently detailed to enable the association to comply with information and disclosures related to resale of units.
- **The Declaration.** It forms an association and governs its use and maintenance.
- **The Bylaws.** They govern and dictate the rules that residents must live by.
- **House rules.** An association may also have house rules
- **A sample original conveyance document.**
- **All public reports and any amendments.**
- **All final, written agreements for managing the property.** A managing agreement must include information about the services to be provided, compensation to be paid, and the managing agent’s financial and accounting obligations.
- **An accurate and current list of association members.** The list of members is available to owners, but there may be a charge and limitations on use.
- Detailed, accurate **records** (in chronological order) **of receipts and expenditures** that affect common elements including select summary information of delinquent unpaid assessments for common expenses.

4. Operational documents

Operational records are those used primarily by the board and managing agent to run the association on a day-to-day basis. They include:

- **The most current financial statement.** It shall be provided at no cost or on 24-hour loan.
- **Board meeting minutes** for the current and prior year. (Also available at no cost or on 24-hour loan.)
- **Association meeting minutes.**
- **Financial statements** (other than the most current one), **general ledgers**, the **accounts receivable ledger**, **accounts payable ledgers**, **check ledgers**, **insurance policies**, **contracts**, and **invoices**.

5. Documents related to member voting

Within 30 days of an association meeting, unit owners can request to examine proxies, tally sheets, ballots, check-in lists, and certificates of election.

6. Fees, costs and good faith affidavits

Associations may charge reasonable fees and assess costs of up to \$1.00 per page for most copies. Associations may also require an owner to execute an affidavit that the information is being requested in good faith and in the interests of the association or its members or both.

7. All other association documents

Not all association documents are required to be provided to owners. However, owners may file a written request to the board to examine any document **not** required to be made available by law. The board must respond in writing to such a request within 30 days.

8. About RICO >>> We may be able to help with document disagreements

The Regulated Industries Complaints Office (RICO) accepts complaints from owners who are refused access to association documents that are required by law to be made available. Copies of the written request to the association, and, the date and title of each document requested, are needed for RICO to evaluate & process a records complaint. Whether a RICO complaint has been filed or not, in the interest of self-governance owners are encouraged to resolve records disputes directly with their associations.

Certain records are also available to *prospective purchasers and their agents*....

RESOURCES

The **Real Estate Branch** provides general information and advice to condominium owners. A **condominium specialist** can answer general questions and refer you to helpful information. Oahu residents call **(808) 586-2643**. Neighbor island residents can call, toll-free, by dialing the following numbers, then 6-2643, followed by the # sign:

Kauai (808) 274-3141 Maui (808) 984-2400 Hawaii (808) 974-4000 Lanai 1-800-468-4644 Molokai 1-800-468-4644

The Department of Commerce and Consumer Affairs (DCCA), and its Regulated Industries Complaints Office (RICO), offer tools, tips and services you can use to check out an individual or business. Information is available by calling **(808) 587-4272** or online at **cca.hawaii.gov/rico/business_online**.

For information about filing a complaint or to report unlicensed activity, call RICO's Consumer Resource Center at **(808) 587-4272** or visit us online at **cca.hawaii.gov/rico**.

Helpful information and publications are available also at **hawaii.gov/hirec**.

This brochure is for informational purposes only and not intended for the purposes of providing legal advice. Information provided is subject to change. Printed material can be made available for individuals with special needs in Braille, large print or audio tape. Submit requests to the RICO Consumer Resource Center at (808) 587-4272.



STATE OF HAWAII
 DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
 REGULATED INDUSTRIES COMPLAINTS OFFICE
 CONSUMER RESOURCE CENTER
 OAHU OFFICE
 235 SOUTH BERETANIA STREET, 9TH FLOOR
 HONOLULU, HI 96813
 cca.hawaii.gov/rico

FOR OFFICIAL USE ONLY

CONDOMINIUM RECORDS REQUEST COMPLAINT FORM

Important information about filing a complaint. RICO's jurisdiction is limited to violations of Hawaii's licensing laws and rules. Violations vary depending on the license type involved. As part of the review and investigation process, the company or individual you are complaining about may be informed of this matter and provided information about your complaint. Additional information about the industries RICO regulates, applicable licensing laws and rules, and a list of Frequently Asked Questions is available on the RICO website, as well as a fillable version of this and other RICO complaint forms.

If you want to report on-going unlicensed activity, please complete the Report of On-Going Unlicensed Activity form.

COMPLAINT INFORMATION (Your information)

<input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/> Dr.	(Last)	(First)	(Middle)
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Your mailing address:	Telephone numbers (check the best number to reach you at):
	<input type="checkbox"/> Daytime phone: ()
	<input type="checkbox"/> Residence phone: ()
Your email:	<input type="checkbox"/> Cellular phone: ()

Are you filing on behalf of a business or organization? Yes No

If yes, please provide the name of your business/organization:

RESPONDENT INFORMATION (Person or business your complaint is against)

Please complete one complaint form per respondent.

Respondent:	<input type="checkbox"/> Business or <input type="checkbox"/> Individual
Address:	Telephone No: ()
	Fax: ()
Email:	Is the business or individual you are complaining about licensed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
Website Address:	List any professional license number(s) here:

Name of person(s) you dealt with:

DESCRIBE YOUR DISPUTE

Please briefly explain your complaint (attach a separate sheet if necessary). If possible, include a timeline of events and approximate dates.:

CONDOMINIUM RECORDS REQUEST – ADDITIONAL INFORMATION PAGE

The following documents are included with my complaint (check all that applies):

- My written request(s) for condominium association records
- My "Owner's Written Request for Condominium Association Records" table (if you used this form)
- Written response(s) to my records request from the Board, condominium managing agent or condominium association representative
- Other correspondence I have related to my written records request
- Other (please specify: _____)

SUBMIT A COPY OF THE "OWNER'S WRITTEN REQUEST FOR CONDOMINIUM ASSOCIATION RECORDS" FORM WITH YOUR COMPLETED RICO COMPLAINT FORM

FOR YOUR INFORMATION:

A. In addition to this complaint, you may also file an action in civil court. Please get advice from your attorney on filing such a complaint.

B. RICO cannot represent private citizens in court nor collect any money for you. Please contact an attorney for advice on filing such an action.

COMPLAINANT'S ACKNOWLEDGMENT & CERTIFICATION:

I acknowledge that the complaint I am filing with RICO will only address the records listed in my written records request or the records I wrote on the "Owner's Written Request for Condominium Association Records" if I used that form. If I make another written request for records after this date, and I am not provided with records, I acknowledge that I will have to file a new complaint in accordance with RICO procedures.

I acknowledge that RICO is unable to and does not represent the interests of private parties, like myself, in court.

I hereby certify that all statements in and included with my RICO complaint are true and correct to the best of my knowledge.

I understand investigation and prosecution is at the discretion of the agency and that RICO does not represent me in this dispute.

Sign here:

Date:

Print name here:

Check here if signing as representative

THANK YOU FOR ASSISTING OUR EFFORTS TO REVIEW YOUR COMPLAINT.



Mail completed complaint forms to:

Regulated Industries Complaints Office
Attention: Consumer Resource Center
235 South Beretania Street, 9th Floor
Honolulu, Hawaii 96813

This material is available in alternate formats including large print. For assistance, please contact the RICO Consumer Resource Center at (808) 587-4272.

Complaint forms are accepted at neighbor island RICO offices for mailing.



OWNER'S WRITTEN REQUEST FOR CONDOMINIUM ASSOCIATION RECORDS

DATE of Request: _____

TO: _____ (Name of Condominium Project Association)

c/o Board of Directors Condominium Managing Agent Condominium Association Representative

(Note to Owner/Owner Agent: Please check all the boxes above that apply and furnish a copy of your written request to all that apply.)

FROM: My Name: _____ My Email Address: _____
 My Address: _____ My Phone No.: () _____

Owner/Owner Agent – Please complete columns 1-3 and make a copy for your records before submitting this form to the Board, Condominium Managing Agent and/or Condominium Association Representative. If you do not receive a response after 30 days, please complete column 4 on your copy of this form and attach it with your completed Regulated Industries Complaints Office (RICO) complaint form.

(1) Documents Relating to Condominium Operations:	(2) State the specific month(s) and year(s) for each document:	(3) You requested to: Receive Examine Copies or Documents		(4) For Owner/Owner Agent-After 30 days, did you receive a response? Yes – Provide Details No (attach additional sheet if necessary)	
<input type="checkbox"/> Board of Directors Meeting Minutes:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Financial Statements:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> General Ledgers:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Accounts Receivable Ledgers:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Accounts Payable Ledgers:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Check Ledgers:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Common Elements Receipts:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Common Elements Expenditures:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Monthly Statement of Current Delinquency or Unpaid Common Element Assessments:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Condominium Management Agreement:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Insurance Policies: (i.e. Name of insurance company, type of policy, date/year of policy, etc.)		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Contracts: (i.e. Name of business, type of contract, date of transactions if known, etc.)		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Invoices: (i.e. Name of business, type of goods or services, date of transactions if known, etc.)		<input type="checkbox"/>	<input type="checkbox"/>		

(1) Documents Relating to General Condominium Provisions:		(2) State the specific month(s) and year(s) for each document:	(3) You requested to:		(4) For Owner/Owner Agent-After 30 days, did you receive a response? Yes – <i>Provide Details</i> (attach additional sheet if necessary)	
			Receive Copies	Examine or Documents	No	
<input type="checkbox"/>	Declaration:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Bylaws:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	House Rules:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Master Lease:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Sample Original Conveyance Document:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Public Report:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Amended Public Report:		<input type="checkbox"/>	<input type="checkbox"/>		
Documents Relating to Condominium Governance:		State the specific month(s) and year(s) for each category:	Copies	or Examination?		
<input type="checkbox"/>	Association Meeting Minutes:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Current Member or Owner List:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Names and Addresses of Vendees Under an Agreement of Sale:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Name and Address of Time Share Association Representative/Agent for the Individual Time Share Owners:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Proxies:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Tally Sheets:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Ballots:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Owners' Check-In Lists:		<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	Certificate of Election:		<input type="checkbox"/>	<input type="checkbox"/>		

Condominium Documents Not Listed Above:

Other: Please provide a detailed description (e.g. date and title) of the documents you would like to see that do not fall into a category in the tables above. Please be aware that you may not have a right to review or get copies of these documents from the association.

OWNER'S WRITTEN REQUEST FOR CONDOMINIUM ASSOCIATION RECORDS

Representations and Certification by Requester:

- I understand that I may be charged a fee and/or costs for copies and administrative time expended to process my request, that I may be required to execute a good faith affidavit in accordance with the law, that I may not receive everything I request, that some of the records I request may no longer be kept, that my request could be too broad and may require additional time on the association's part for a response, and that I may need to schedule an appointment to review records the association is able to furnish me with so that I can try to find for myself what I may be looking for.
- If I am not an owner in the condominium project, I certify that I am an agent authorized to make this request and review information on behalf of this owner:

(Insert **Owner Name** and **Unit**)

SIGNATURE

DATE

(Note to Owner/Owner Agent: Please keep a copy of this form for your records to follow-up with your request if necessary. A copy of this form should also be included with your written complaint with RICO.)



The Regulated Industries Complaints Office (RICO), offers this form as a helpful tool for condominium owners and associations for use in the exchange process. **Use of this form is not mandatory.** For information about what records may be available or to file a complaint, call RICO's Consumer Resource Center (CRC) at **(808) 587-4272 (4CRC)** or visit us online at cca.hawaii.gov/rico.