

**CONDOMINIUM PROPERTY REGIME TASK FORCE**  
Department of Commerce and Consumer Affairs  
State of Hawaii

**MINUTES OF MEETING**

Date: January 30, 2026

Time: 1:00 p.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room  
HRH King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813

Virtual Participation: Virtual Videoconference Meeting – Zoom Webinar  
<https://dcca-hawaii-gov.zoom.us/j/85468546810>

Present: Philip Nerney, Chairperson  
Lila Mower, Vice Chairperson  
Carol Fukunaga, State Senator  
Sean Quinlan, State Representative  
Dathan Choy, Department of Commerce and Consumer Affairs  
Kealii Lopez, Member  
Raelene Tenno, Member  
Patti Thiele, Member

Kedin Kleinhans, Administrative Assistant  
Shari Wong, Deputy Attorney General  
Rochelle Araki, Technical Support  
Cortnie Tanaka, Technical Support  
Lucian Saikevych, Recording Administrative Assistant

In-Person Guest(s): Gregory Misakian  
Lourdes Scheibert  
Richard Emery  
John Morris  
Jonathan Billings  
Lorie Sides

Virtual Guest(s): Bruce Woodson  
Jeff Sadino  
Karin Lynn  
Sheldon Lee  
Lance Fujisaki  
M. Anne Anderson  
Michael Ayson  
Jon McKenna

Agenda: The agenda for this meeting was posted to the State electronic calendar and filed with the Office of the Lieutenant Governor, as required by Hawaii Revised Statutes (“HRS”) section 92-7(b).

Call to Order: The meeting was called to order at 1:11 p.m., at which time quorum was established.

Old Business: **Approval of Minutes**

October 27, 2023 – Deferred action to next meeting.

November 30, 2023 – Deferred action to next meeting.

December 14, 2023 – Deferred action to next meeting.

New Business: **Discussion of Project Report – Five States' Approaches to Aspects of Condominium Law.**

Ms. Lopez asked if anyone from LRB was present for the meeting.

Chairperson Nerney replied no.

Sen. Fukunaga mentioned that LRB was willing to provide a briefing.

Ms. Lopez indicated that the summary and report “stand on their own” and does not want to delay any progress for a presentation.

Chairperson Nerney asked if anyone was interested in a presentation from LRB.

Ms. Tenno mentioned that a presentation might be of use.

Guest, Gregory Misakian, requested to provide oral testimony.  
Chairperson Nerney recognized Mr. Misakian.

Mr. Misakian expressed concerns that the Task Force has yet to take action on meeting minutes from 2023. With regard to the LRB study, Mr. Misakian was surprised that Hawaii was not written about in the report by RAND. He addressed the need for Hawaii to have an ombudsman’s office. He expressed support for House Bill No. 2453 and Senate Bill No. 3309, which establish an ombudsman program where no State funding is required.

Guest, John Morris, requested to provide oral testimony. Chairperson Nerney recognized Mr. Morris.

Mr. Morris stated that he once worked for the Real Estate Branch as its first condominium specialist. He found that mediation was very helpful in condominium disputes. Mr. Morris also commented that information on the Real Estate Branch website needs to get out to the public as there are

great resources available, and educating the public is beneficial. Mr. Morris was not sure if an ombudsman program would be a good idea.

Guest, Richard Emery, requested to provide oral testimony. Chairperson Nerney recognized Mr. Emery.

Mr. Emery introduced himself as having worked in the condominium industry for a long time. Mr. Emery mentioned that the DCCA submits a report to the legislature. In the past year, there were approximately 50 mediations conducted. Mr. Emery wants to know what caused these mediations. He also mentioned that the condominium “world is in a lot of hurt with insurance and HOAs” going up in price. Mr. Emery wanted more factual data for better decision-making.

Guest, Lourdes Scheibert, requested to provide oral testimony. Chairperson Nerney recognized Ms. Scheibert.

Ms. Scheibert mentioned that she is passionate about the housing situation in Hawaii. She agreed with Mr. Morris on mediation and believes that the missing part is educating the homeowners. Ms. Scheibert believes that homeowners do not know the process of mediation and that more education is needed.

Ms. Tenno agreed with Ms. Scheibert.

Ms. Scheibert thanked the Task Force for their hard work and also mentioned that Jonathan Billings of Vertical Hawaii was a great educational resource.

Guest, Jeff Sadino, requested to provide oral testimony. Chairperson Nerney recognized Mr. Sadino.

Mr. Sadino noted that one piece missing from the LRB report was condominium governance.

Guest, Gregory Misakian, requested to provide oral testimony. Chairperson Nerney recognized Mr. Misakian.

Mr. Misakian commented that mediation, from his past experience, does not work. He reiterated that the proposed ombudsman office will be at no cost to the State. Mr. Misakian noted that attorneys like mediation because they make a lot of money through mediation. He advocated putting power back with the homeowner.

Guest, Karin Lynn, requested to provide oral testimony. Chairperson Nerney recognized Ms. Lynn.

Ms. Lynn asked if the overview of the LRB report prepared by Sen. Fukunaga's staff would be made available.

Chairperson Nerney responded yes.

Vice Chairperson Mower mentioned that Mr. Sadino's, Mr. Emery's, and Mr. Misakian's comments were important – it is important to try and figure out why mediation occurs. Vice Chairperson Mower asked how the mediation case summaries prepared by the Real Estate Branch are made.

Mr. Choy responded that the mediation case summaries published are essentially the information the Real Estate Branch receives.

Vice Chairperson Mower commented that the DCCA has relied on management companies to disperse information. She added that there has to be a better way for the public to gain access to information.

Ms. Lopez recommended moving the meeting toward the topic of recommendations in the report.

Guest, Richard Emery, requested to provide oral testimony. Chairperson Nerney recognized Mr. Emery.

Mr. Emery questioned the cost of having an ombudsman program. He suggested consulting with the DCCA about how much an ombudsman's office will cost and of the potential obstacles there may be.

Guest, Gregory Misakian, requested to provide oral testimony. Chairperson Nerney recognized Mr. Misakian.

Mr. Misakian stated that an ombudsman's office would cost approximately \$425,000 annually.

Ms. Lopez indicated that Task Force meetings should not be a back-and-forth between public testifiers and requested the Task Force to implement a new rule establishing a one-minute time limit on subsequent oral testimony if a public testifier had previously provided oral testimony on the same agenda item.

Upon a motion by Ms. Tenno, seconded by Ms. Lopez, it was voted on and unanimously carried to implement a new rule establishing a one-minute time limit on subsequent oral testimony if a public testifier had previously provided oral testimony on the same agenda item.

Chairperson Nerney directed the meeting focus toward the LRB study. He stated that the Task Force need to provide a report to the State Legislature by June 30, 2026.

Chairperson Nerney explained that condominiums are a creature of statute, noting that private ownership of private real estate are not social services. Owners are provided due process, and arbitration cannot be involuntarily mandated. He cited the 2019 court case, *Sakal v. Association of Apartment Owners of Hawaiian Monarch*.

Ms. Lopez asked if the Task Force could focus its work using the overview of the LRB report prepared by Sen. Fukunaga's staff.

Chairperson Nerney suggested the Task Force start its discussion on the topic of education at the point of sale.

Mr. Choy expressed concerns that prospective purchasers may not read the sale documents prior to signing. He added that secondary sales fall under HRS chapter 508D.

Chairperson Nerney noted that further education for real estate licensees is also needed.

Ms. Thiele stated that prospective purchasers need content that is easier to digest as too much education could have an adverse effect.

Ms. Tenno commented that education needs to be geared towards homeowners, and educating homeowners should not be left to real estate licensees.

Vice Chairperson Mower asked whether information can be put on Form RR105c.

Mr. Choy responded that Form RR105c is a private industry document and not a State government form.

Ms. Lopez mentioned that the Task Force's report to the State Legislature should include recommendations to require real estate licensees who engage in the sale of condominium units to take certain continuing education courses regarding condominiums.

Chairperson Nerney noted that real estate licensing is provided under HRS chapter 467.

Mr. Choy explained that under HRS chapter 467, the principle broker is responsible for its agents.

Upon a motion by Chairperson Nerney, seconded by Ms. Tenno, it was voted on and unanimously carried to request that DCCA provide the Task Force proposed language to require real estate licensees who engage in the sale of condominium units to take certain continuing education courses regarding condominiums.

Guest, Lorie Sides, requested to provide oral testimony. Chairperson Nerney recognized Ms. Sides.

Ms. Sides introduced herself as the condominium education specialist for the Real Estate Branch. She reported that the Real Estate Branch created three documents for prospective purchasers: (1) Condominium Fact Sheet; (2) Checklist for Condominium Buyers; and (3) Realities of Condo Ownership.

Ms. Tenno requested Ms. Sides if she could email the Task Force those documents. Ms. Sides affirmed.

Ms. Lopez stated that the Hawaii Real Estate Commission needs more condominium expertise, for example, add or replace members with public members who are involved in condominiums.

Sen. Fukunaga reported that owners do not feel they are being properly represented. Discussion is needed to promote greater financial transparency.

Chairperson Nerney agreed there should be condominium experts for, or on, the Hawaii Real Estate Commission.

Ms. Lopez mentioned that one option could be to add reserve specialists or individuals with relevant condominium expertise to the Hawaii Real Estate Commission's composition.

Vice Chairperson Mower agreed. She recalled attending a Hawaii Real Estate Commission meeting and during its discussion she heard someone mention that "owners are not considered stakeholders."

Guest, Richard Emery, requested to provide oral testimony. Chairperson Nerney recognized Mr. Emery.

Mr. Emery noted that the Hawaii Real Estate Commission meeting agendas typically do not include many condominium matters for discussion.

Ms. Lopez inquired whether association managers should be regulated.

Chairperson Nerney responded that a Sunrise Analysis would be required. He cited previous testimony of the Hawaii Real Estate Commission which noted that a Sunrise Analysis for association managers was done in the past. At the time, the study found that regulation was unnecessary.

Guest, Gregory Misakian, requested to provide oral testimony. Chairperson Nerney recognized Mr. Misakian.

Mr. Misakian reported that the Hawaii Real Estate Commission does address condominium matters. He cited prior disciplinary actions issued against a condominium managing agent; however, there are still issues with managing agents that need to be addressed.

Vice Chairperson Mower inquired of the "CMA" registration.

Mr. Choy explained that the CMA registration is only issued to trust companies. Currently, all managing agents operate through a Hawaii Real Estate Broker license.

Mr. Choy clarified that the Hawaii Real Estate Commission does cover condominium issues, which also include requests regarding owner-occupancy.

Chairperson Nerney suggested the Task Force break down discussion topics by meeting.

Next Meeting: TBD

Adjournment: The meeting adjourned at 3:08 p.m.

Reviewed and approved by:

/s/ Philip Nerney

---

(Mr.) Philip Nerney  
Task Force Chairperson

02/23/26 (Date Drafted)

( X ) Minutes approved as is.

( ) Minutes approved with changes:

PN:kl:kck:ls