



HAWAII REAL ESTATE COMMISSION

CONDORAMA XVI

Presented by CAI Hawaii

A **Free** Education Program for Condominium Owners

Topics Include: Document Requests: How To Comply To Avoid RICO Penalties; Finding The Right Managing Company;

Directors & Officers Insurance: Be Aware of Attempts to Reduce Coverage





CONDORAMA XVI

AGENDA

- 09:00 – 09:05 a.m. **Melanie Oyama** - Welcome & Introductions
- 09:05 – 09:30 a.m. **Sue Savio** – Directors & Officers – Are You Protected?
- 09:30 – 10:00 a.m. **Michael Packard** – Association Management
- 10:00 – 10:25 a.m. **Christopher Goodwin** – Document Requests – How to Comply
- 10:25 – 10:30 a.m. **Melanie Oyama** - Closing



Mahalo

Milton Motooka
Motooka Oyama & Lau



Richard Ma
Presentation Resources



QUESTIONS

Submit them using the Zoom Q&A
Button
"Q&A"





The materials and information provided in this educational effort is intended to provide general education and information and is not a substitute for obtaining legal advice or other competent professional assistance to address specific circumstances. The information contained in this presentation is not an official or binding interpretation, opinion or decision of the Hawaii Real Estate Commission (Commission) or the Department of Commerce and Consumer Affairs

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This webinar is pending approval by the Community Association Managers International Certification Board (CAMICB) for 2 credit hours to fulfill continuing education requirements for CMCA[®] certification.

CED@CAIHAWAII.ORG

Our Speakers

Sue Savio

Insurance Associates



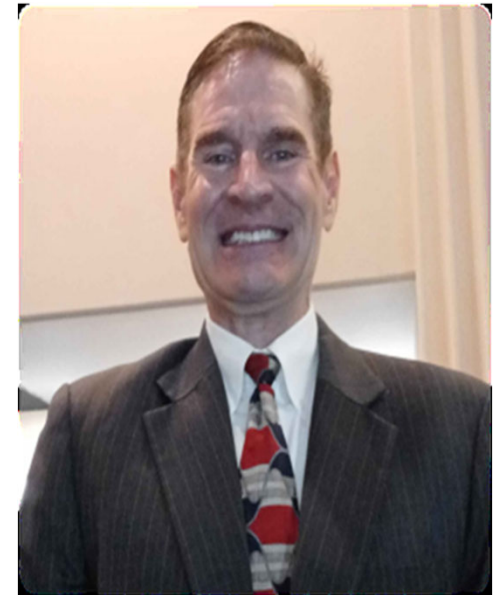
Michael Packard

PCAM, CPM, Senior Vice President
Acquisitions



Christopher Goodwin

Attorney At Law A Limited
Liability Law Company



Our Speakers



Sue Savio was born in Honolulu and is the owner of Insurance Associates. Her agency specializes in insuring condominiums, townhomes and community associations. The agency was founded in 1969 by Rudy Savio, CPCU and Sue Savio has been the owner since 1975.

Sue is an active member of the Community Associations Institute (CAI). CAI is a national organization dedicated to providing education and resources to the volunteer homeowners who govern their community. She is past President of CAI Hawaii and has served on their board in different capacities since 2000.

Sue also served as President of the Hawaii Independent Insurance Agents Association and currently serves as President for two condominiums.

Our Speakers



Michael E. Packard Senior Vice President at Associa with more than 45 years of executive leadership in condominium and property management. Past National President of the Community Associations Institute and holder of PCAM designation number nine, as well as the CPM designation from the Institute of Real Estate Management. Three-time recipient of the CAI President's Award, two-time recipient of the CAI Distinguished Service Award, and honored as CAI Educator of the Year. Instructor for CAI and IREM, having taught community association and property management courses in ten countries. Holds a BA from New Mexico State University and an MBA from Pepperdine University. Served in the U.S. Air Force, commissioned as a Second Lieutenant, attaining the rank of Captain, and awarded the Bronze Star Medal as an Air Commando during the Vietnam War. Active Make-A-Wish volunteer and member of the Board of Directors for the New Mexico State University Foundation. Married to Jeri for 43 years with two sons.

Our Speakers



Christopher Shea Goodwin attended Indiana University, where he received a Bachelor of Arts degree in International Political Science in 1982, and South Texas College of Law in Houston, Texas, where he obtained a law degree in 1986, and practiced law in Houston from 1986 until late 1992, when he moved to Hawaii following Hurricane Iniki.

Chris has represented condominium and community associations in Hawaii since 1993, and since founding his own law firm more than 20 years ago, he now represents more than 100 associations throughout the state.

Chris is a frequent speaker at seminars and in-house training seminars on various topics of interest to association board members, owners, managing agents, and their respective employees and staff.

Are you protected?

Directors & Officers

Presented by:

Surita Savio

Insurance Associates, Inc.

April 2026

What is D&O?

- ▶ Protects board members from personal liability for lawsuits alleging...
 - ▶ mismanagement,
 - ▶ breach of fiduciary duty,
 - ▶ wrongful acts.
- ▶ It covers legal defense costs, settlements, and damages.



Who is Covered?

- ▶ Past, present and future directors & officers
- ▶ Committee members
- ▶ Property management company
- ▶ Employees
- ▶ Volunteers



What is NOT Covered?

- ▶ Criminal acts
- ▶ Fraud
- ▶ Self-dealing
- ▶ Actions taken outside the scope of authority



Typical Protections

- ▶ **Legal Defense Costs:** Covers attorney fees and court costs, even if the lawsuit is groundless or without merit.
- ▶ **Breach of Fiduciary Duty:** Claims that the board failed to act in the association's best interest.
- ▶ **Rule Enforcement Disputes:** Lawsuits over architectural review denials, pet restrictions, or inconsistent bylaw enforcement.

Typical Protections

- ▶ **Financial Mismanagement:** Allegations of misusing association funds or failing to maintain adequate reserves.
- ▶ **Discrimination:** Protection against claims of unfair treatment related to housing or employment practices.
- ▶ **Employment Practices Liability (EPL):** Often included or added as an endorsement to cover claims from employees or vendors regarding harassment or wrongful termination

Common Exclusions

- ▶ **Bodily Injury or Property Damage:** These are covered under a General Liability policy.
- ▶ **Dishonest or Criminal Acts:** Fraud, self-dealing, or willful misconduct are typically excluded.
- ▶ **Prior Knowledge:** Claims resulting from circumstances known to the board before the policy began.
- ▶ **Fines and Penalties**

Reduced coverage/premium

- ▶ Mainly 5 carriers
- ▶ Buy a broad policy and stay with that company until the drop you.
 - ▶ Claims Made
 - ▶ Prior Acts
- ▶ Buy coverage don't buy premium



Directors & Officers

1. Strive at all times to serve the best interest of the Association as a whole regardless of your personal interest.
2. Use sound judgement to make the best possible decision for the Association as a whole taking into consideration all available information, circumstances and resources.
3. Act within the boundaries of your authority as defined by law and the governing documents of your Association.
4. Provide opportunities for residents to comment on decisions facing the association.

Directors & Officers

5. Perform their duties without bias for or against any individual or group of owners or non-owner residents
6. Disclose personal or professional relationships with any company or individual who has or is seeking to have a business relationship with the association.
7. Conduct open, fair and well publicized elections.
8. Always speak with one voice, supporting all duly adopted board decisions—even if the board member was in the minority regarding actions that may not have obtained unanimous consent.

In Conclusion

- ▶ D&O Insurance is necessary & confusing
- ▶ Know your job
- ▶ Stay in your lane
- ▶ Do it for others, not for yourself
- ▶ Seek advice from experts





Selecting Management



Agenda

- Introduction
- Professional Management
- Determining Management
- Identifying Management Companies
- Meeting and Interviews
- Making the final Selection
- Making a Change
- Sample Management Specifications

01

Introduction



02

Professional Management



Why Professional Management?



**What Can
Professional
Management Do?**



**Help for the Board:
The Ad Hoc
Committee**

03

Determining Management



Key Steps

- Specifications
- What to include
- Other Common Duties
- Completing the RDP Package



04

Identifying Management Companies





Key Factors

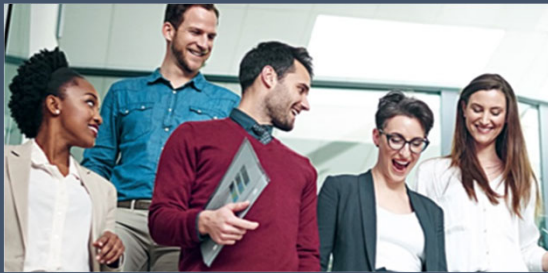
- The importance of Professional Designations
- Narrowing Down Your Options
- Checking References

05

Meetings and Interviews



Meetings and Interviews



**The Association
Visit**



**The Management
Company
Evaluation**

06

Making the Final Selection





The Management Contract

07

Making a Change



Transition from One Management Company to Another



Sample Management Specifications

Thank You!



Document Requests – How to Comply to Avoid Substantial Penalties Assessed Against the Association (and/or Managing Agent) by RICO

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What is this issue all about???

Condominium Associations Only. Owners in **condominium** associations (“AOAO”) organized pursuant to Hawaii Revised Statutes (“HRS”), Chapter 514B (“Condominium Property Act”) are **entitled by law** to **MANY** types of documents commonly maintained by a **condominium** association. This presentation **does not apply** to **community** associations (“HOA”), as community associations are controlled by Hawaii Revised Statutes, Chapter 421J which has less extensive requirements for providing members with association documents.

Document Types and Procedures. This presentation will address **what documents an association and/or its managing agent is required to provide to requesting owners**, and the **procedures** which must be followed to both request and produce these documents. If an association and/or its managing agent follows these procedures, it is less likely to run afoul of the State of Hawaii Department of Commerce and Consumer Affairs (“DCCA”) Regulated Industries Complaint Office (“RICO”), which has regulatory authority over this issue.

What Documents can be Requested?

HRS §514B-154.5 Association documents to be provided. (a) Notwithstanding any other provision in the declaration, bylaws, or house rules, if any, the following documents, records, and information, whether maintained, kept, or required to be provided pursuant to this section or section 514B-152, 514B-153, or 514B-154, shall be made available to any unit owner and the owner's authorized agents by the managing agent, resident manager, board through a board member, or the association's representative:

(1) All financial and other records sufficiently detailed in order to comply with requests for information and disclosures related to the resale of units;

Special Note to Managing Agents: In *Caven v. Certified Management Inc dba Associa Hawaii* (Sept. 8, 2025), under the specific facts presented in that case the Hawaii Supreme Court ruled that the managing agent had to provide required resale disclosures and documents to the requesting unit owner at no cost. See <https://www.courts.state.hi.us/wp-content/uploads/2025/09/SCWC-19-0000047dis.pdf>

(2) An accurate copy of the declaration, bylaws, house rules, if any, master lease, if any, a sample original conveyance document, and all public reports and any amendments thereto;

What Documents can be Requested?

(3) Detailed, accurate records in chronological order of the receipts and expenditures affecting the common elements, specifying and itemizing the maintenance and repair expenses of the common elements and any other expenses incurred and monthly statements indicating the total current delinquent dollar amount of any unpaid assessments for common expenses;

(4) All records and the vouchers authorizing the payments and statements kept and maintained at the address of the project, or elsewhere within the State as determined by the board, subject to section 514B-152 (HRS §514B-152 provides, “The association shall keep financial and other records sufficiently detailed to enable the association to comply with requests for information and disclosures related to resale of units.”);

(5) All signed and executed agreements for managing the operation of the property, expressing the agreement of all parties, including but not limited to financial and accounting obligations, services provided, and any compensation arrangements, including any subsequent amendments;

What Documents can be Requested?

(6) An accurate and **current list of members of the condominium association and the members' current addresses** and the names and addresses of the vendees under an agreement of sale, if any. A copy of the list **shall be available, at cost**, to any unit owner or owner's authorized agent who furnishes to the managing agent, resident manager, or the board a duly executed and acknowledged **affidavit** stating that the list:

(A) Shall be used by the unit owner or owner's authorized agent personally and **only for the purpose of soliciting votes or proxies or for providing information to other unit owners with respect to association matters**; and

(B) Shall **not be used by the unit owner or owner's authorized agent or furnished to anyone else for any other purpose**;

What Documents can be Requested?

(7) The association's **most current financial statement**, at no cost or on twenty-four-hour loan, at a convenient location designated by the board;

(8) **Meeting minutes of the association**, pursuant to section 514B-122 (HRS §514B-122(b) provides association meeting minutes shall be available **within 7 calendar days after approval**, and **unapproved final drafts** of the minutes of a meeting shall be available **within 60 days after the meeting**);

(9) **Meeting minutes of the board**, pursuant to section 514B-126 (HRS §514B-126(c) provides board meeting minutes shall be available **within 7 calendar days after approval**, and **unapproved final drafts of the minutes** of a meeting shall be available **within 30 days after the meeting**) which shall be:

(A) Available for **examination by unit owners or owners' authorized agents** at no cost or on twenty-four-hour loan at a convenient location at the project, to be determined by the board; or

(B) Transmitted to any unit owner or owner's authorized agent making a request for the minutes **within fifteen (15) days of receipt of the request** by the owner or owner's authorized agent; provided that:

What Documents can be Requested?

(i) The minutes shall be transmitted by mail, electronic mail transmission, or facsimile, by the means indicated by the owner or owner's authorized agent, **if the owner or owner's authorized agent indicated a preference at the time of the request; and**

(ii) The owner or owner's authorized agent shall **pay a reasonable fee for administrative costs** associated with handling the request, **subject to section 514B-105(d);**

(10) Financial statements, general ledgers, the accounts receivable ledger, accounts payable ledgers, check ledgers, insurance policies, contracts, and invoices of the association for the **duration those records are kept by the association**, and any documents regarding delinquencies of ninety days or more **shall be available for examination** by unit owners or owners' authorized agents at convenient hours at a place designated by the board; provided that:

What Documents can be Requested?

(A) The board may require unit owners or owners' authorized agents to furnish to the association a duly executed and acknowledged affidavit stating that the information is requested in good faith for the protection of the interests of the association, its members, or both; and

(B) Unit owners or owners' authorized agents shall pay for administrative costs in excess of eight hours per year;

(11) Proxies, tally sheets, ballots, unit owners' check-in lists, and the certificate of election subject to section 514B-154(c);

What Documents can be Requested?

HRS §514B-154(c) states:

(c) After any association meeting, and **not earlier**, unit owners shall be permitted to examine proxies, tally sheets, ballots, owners' check-in lists, and the certificate of election; provided that:

(1) Owners shall make a request to examine the documents **within thirty days after the association meeting**;

(2) The board **may require owners to furnish to the association a duly executed and acknowledged affidavit** stating that the information is requested in good faith for the protection of the interest of the association or its members or both; and

(3) Owners shall **pay for administrative costs in excess of eight hours per year**.

The documents may be destroyed ninety days after the association meeting; provided that **in the event of a contested election, the documents shall be retained until the contested election is resolved**. Copies of tally sheets, owners' check-in lists, and the certificates of election from the most recent association meeting shall be provided to any owner upon the owner's request; provided that the owner **pays a reasonable fee for duplicating, postage, stationery, and other administrative costs associated with handling the request**.

What Documents can be Requested?

(12) Copies of an association's documents, records, and information, whether maintained, kept, or required to be provided pursuant to this section or section 514B-152, 514B-153, or 514B-154;

(13) A **copy of the management contract** from the entity that manages the operation of the property before the organization of an association;

(14) **Other documents** requested by a unit owner or owner's authorized agent in writing; provided that the board shall give written authorization or **written refusal with an explanation of the refusal within thirty calendar days of receipt** of a request for documents pursuant to this paragraph; and

What Documents can be Requested?

(15) A copy of any **contract**, written job description, and compensation **between the association and any person or entity retained by the association to manage the operation of the property on-site, including but not limited to the general manager, operations manager, resident manager, or site manager; provided that personal information may be redacted** from the contract copy, including but not limited to the manager's date of birth, age, signature, social security number, residence address, telephone number, non-business electronic mail address, driver's license number, Hawaii identification card number, bank account number, credit or debit card number, access code or password that would permit access to the manager's financial accounts, or **any other information that may be withheld under state or federal law.**

How much and who pays for these documents?

(e) An association may comply with this section or section 514B-152, 514B-153, or 514B-154 by making the required documents, records, and information available to unit owners or owners' authorized agents for download through an internet site, at the option of each unit owner or owner's authorized agent and at no cost to the unit owner or owner's authorized agent.

(f) Any fee charged to a unit owner or owner's authorized agent to obtain copies of the association's documents, records, and information, whether maintained, kept, or required to be provided pursuant to this section or section 514B-152, 514B-153, or 514B-154, shall be reasonable; provided that a reasonable fee shall include administrative and duplicating costs.

How much and who pays for these documents?

HRS §514B-105(d) No unit owner who requests legal or other information from the association, the board, the managing agent, or their employees or agents, shall be charged for the reasonable cost of providing the information unless the association notifies the unit owner that it intends to charge the unit owner for the reasonable cost. The association shall notify the unit owner in writing at least ten days prior to incurring the reasonable cost of providing the information, except that no prior notice shall be required to assess the reasonable cost of providing information on delinquent assessments or in connection with proceedings to enforce the law or the association's governing documents.

After being notified of the reasonable cost of providing the information, the unit owner may withdraw the request, in writing. A unit owner who withdraws a request for information shall not be charged for the reasonable cost of providing the information. ***[PRACTICE POINTER: Notify the owner in writing of any estimated cost to produce the legal or other information within 10 days of receipt of the request.]***

Helpful Resources

The following DCCA website contains helpful **recommended** forms to facilitate requesting and responding to condominium owners' requests for association documents:

<https://www.cca.hawaii.gov/rico/materials/got-records/>

Owners, associations and managing agents are **not legally required** to use these forms, but use of these forms is recommended particularly for the commonly **requested documents listed on these forms.**

THE END



Mahalo and Aloha

- Thank you to our speakers and to everyone who joined us today.



2026 Calendar of Events



- **May 14, 2026** - *“Mixed Plate of Do’s and Don’ts for Boards”*
- **June 13 and June 20th 2026** - *Virtual Program - Board Leadership Development Workshop*
- **July 16** – *Legislative Update- Legislative Action Committee*
- **August 13, 2026** - *“Effective Ways to Reduce Association Expenses to Avoid Drowning in the Red Sea”*
- **September 17, 2026** - *“Hoarders, Boarders, & Boomers”*
- **October 22, 2026** - *“Difficult Owners and Frivolous Lawsuits”*
- **November 7, 2026** - *Annual Membership Meeting*