

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

MINUTES OF MEETING

Date: April 24, 2026

Time: 2:00 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/84943488234?pwd=70RMdklhoJYSiLiMrL3OGJ7Tia28z2.1>

Present: Philip Nerney, Chairperson
Dathan Choy, Department of Commerce and Consumer Affairs
Kealii Lopez, Member
Patti Thiele, Member
Raelene Tenno, Member

Kedin Kleinhans, Administrative Assistant
Rochelle Araki, Technical Support
Tammy Norton, Technical Support

Absent: Carol Fukunaga, State Senator
Sean Quinlan, State Representative
Lila Mower, Vice Chairperson
Shari Wong, Deputy Attorney General

In-Person Guest(s): Gregory Misakian
Neil Fujitani

Virtual Guest(s): Michael Formby, Managing Director, City & County of Honolulu
Rade Vanic, Interim Chief of Police, Honolulu Police Department
Brandon Nakasato, Interim Deputy Chief, Honolulu Police Department
Brian Lynch, Assistant Chief, Honolulu Police Department
Elgin Arquero, Assistant Chief, Honolulu Police Department
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dawns
Dawn Smith
Dale Head
Jeff Sadino

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 2:07 p.m., at which time quorum was established.

Members Fukunaga and Mower were excused from the meeting. Prior notification of their non-attendance was received.

New Business: **Discussion on Honolulu Police Department Response to Criminal Complaints in Condominiums**

Chairperson Nerney explained that the purpose of this agenda item is to discuss concerns raised by condominium unit owners with regard to Honolulu Police Department practices when responding to requests for assistance within condominium associations.

Chairperson Nerney recognized Michael Formby, Managing Director for the City & County of Honolulu, and Rade Vanic, Interim Chief of Police for the Honolulu Police Department.

Interim Chief Vanic introduced himself, Interim Deputy Chief Brandon Nakasato, and Assistant Chiefs Brian Lynch and Elgin Arquero, who were present to answer any questions.

Interim Chief Vanic indicated that the Honolulu Police Department has full jurisdiction within condominiums, and that there is no “condominium exception” to criminal law. He presented an overview between criminal and civil matters with respect to condominiums:

- Complaints of criminal matters require probable cause and must fall under a penal code offense;
- Officers are expected to act based on penal codes;
- Examples of criminal matters include assault, harassment, terroristic threatening, theft, burglary, and drug activity; and
- Examples of civil, association governance matters include rule violations, noise, pets, and nuisance-level disputes.

Interim Chief Vanic affirmed that the Honolulu Police Department will take reports of alleged white-collar crime involving condominium associations, such as embezzlement or fraud, and will refer them to the Criminal Investigation Division as appropriate. He further noted that if an individual feels that an officer improperly refused to take a report, the individual may escalate the matter by requesting a supervisor or filing complaint with the Honolulu Police Department’s Professional Standards Office. Interim Chief Vanic also indicated that he would be willing to work with a

Permitted Interaction Group if one is established by the Task Force.

Managing Director Formby introduced himself and acknowledged the public's concerns regarding the Honolulu Police Department's response to situations within condominiums. He thanked the Honolulu Police Department for participating in this discussion.

Task Force members asked the Honolulu Police Department to provide clarity on several ambiguous scenarios involving:

- The difference between implicit and explicit threats, such as shouting in a mean voice about "pink elephants" versus shouting in a mean voice with overt intent to cause harm;
- The presence or use of a weapon, such as showing a bag of bullets versus showing a bag of bullets along with a firearm or any weapon that can cause serious bodily injury or death; and
- White collar crime, such as theft or embezzlement of association funds, noting that clear evidence is required for officers to initiate a case and, if appropriate, refer the case to the Honolulu Police Department's Criminal Investigation Division.

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

Mr. Misakian described issues that he has faced in his condominium association over the past several years, such as harassment, stalking, theft, and potential financial misconduct by board members, and also expressed concerns that the Honolulu Police Department was not giving proper support or assistance until he contacted Prosecutor Alm's office. He also expressed interest for the Task Force to establish a Permitted Interaction Group as mentioned by Interim Chief Vanic.

Chairperson Nerney thanked Managing Director Formby and the Honolulu Police Department for their time and willingness to participate.

Discussion Topic – Condominium Ombudsmen

Chairperson Nerney noted at the outset that quorum was expected to be lost at 3:00 p.m.

Discussion ensued regarding past legislative proposals to establish a condominium ombudsman, the varying authorities and responsibilities of other states' condominium ombudsmen, and whether such a position or office would overlap with existing functions within the Department of Commerce and Consumer Affairs ("DCCA"), including the Hawaii Real Estate Commission and the Regulated Industries Complaints Office.

Ms. Lopez stated that the Task Force was established because condominium unit owners have been expressing concerns for years, noting that DCCA staff do not have authority on certain issues.

Chairperson Nerney reported that Sen. Fukunaga identified a number of existing functions within DCCA that would overlap with a proposed condominium ombudsman's office. He noted that reconfiguring DCCA might be an option.

Chairperson Nerney expressed concerns regarding past legislative proposals that granted unilateral authority to the condominium ombudsman which would be inconsistent with the U.S. Constitution and an individual's right to a trial by jury. He expressed further concerns that having one individual with granular operational control could potentially lead to corruption, for example, people paying that person off.

Ms. Thiele left the meeting at 3:01 p.m., which resulted in a loss of quorum.

In accordance with section 92-2.5(d), HRS, the remaining members of Task Force who were present elected to receive public testimony on items on the agenda:

Guest, Dale Head, requested to provide oral testimony. Chairperson Nerney recognized Mr. Head.

Mr. Head provided an example of a past Nevada program in which a panel had authority to remove a board president for misconduct. He offered to provide more information for the next Task Force meeting.

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

Mr. Misakian reported his role in drafting prior condominium ombudsman measures and emphasized the need for a non-binding evaluation process to assist unit owners and board members. He added that while a decision rendered by the condominium ombudsman should be non-binding yet admissible in court, it would allow condominium unit owners to avoid the cost of hiring an attorney. Mr. Misakian expressed concerns regarding the existing mediation process, citing his personal experience.

Mr. Misakian expressed additional concerns regarding DCCA's existing programs and functions, citing potential Sunshine Law violations and limitations with the new website, and noted that the Task Force does not discuss the depth of these issues.

Guest, Dawn Smith, requested to provide oral testimony. Chairperson Nerney recognized Ms. Smith.

Ms. Smith introduced herself as the second vice president of Kokua Council and began expressing concerns about the conduct of another public testifier. Chairperson Nerney interrupted to ask whether her testimony was related to an item on the agenda. Ms. Smith confirmed her testimony was not related to an agenda item. Chairperson Nerney explained that the Task Force may only accept public testimony on agenda items.

Next Meeting: Chairperson Nerney stated that discussion on condominium ombudsmen would continue at the next meeting, followed by discussion on condominium operations and governance.

May 8, 2026
1:00 p.m.

Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

And Virtual Videoconference – Zoom

Adjournment: The meeting adjourned at 3:19 p.m.

Reviewed and approved by:

/s/ Philip Nerney

(Mr.) Philip Nerney
Chairperson

Taken and recorded by:

/s/ Kedin Kleinhans

(Mr.) Kedin Kleinhans
Administrative Assistant

PN:kck
05/04/26 (Date Drafted)

(x) Minutes approved as is.

() Minutes approved with changes: