

CONDOMINIUM REVIEW COMMITTEE
Real Estate Commission
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii
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: August 13, 2003

Time: Upon adjournment of the Education Review Committee meeting which followed the Laws and Rules Review Committee meeting which convened at 9:00 a.m.

Place: Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Present: Mitchell Imanaka, Chair
Peter Rice, Vice Chair
Louis Abrams, Member
Kathleen Kagawa, Member
John Ohama, Member
Iris Okawa, Member – early departure
Vern Yamanaka, Member
Trudy Nishihara, Member

Calvin Kimura, Supervising Executive Officer
Alan Taniguchi, Executive Officer
Cynthia Yee, Senior Condominium Specialist
David Grupen, Condominium Specialist
Gordon Arakaki, Condominium Recodification Attorney
Diane Choy Fujimura, Senior Real Estate Specialist
Lorene Kimura, Real Estate Specialist
Shari Wong, Deputy Attorney General
Tammy Norton, Recording Secretary

Others: Nikki Senter, Imanaka, Kudo & Fujimoto
Richard Asato, Imanaka, Kudo & Fujimoto
Steve Glanstein, CAI Hawaii Chapter

Excused: Marshall Chinen, Member

Call to Order: Chair Imanaka called the meeting to order at 10:43 a.m., at which time quorum was established.

Chair's Report: No report was presented.

Condominium Specialist's Report: **Additions to the Agenda**
Upon a motion by Commissioner Okawa, seconded by Commissioner Kagawa, it was voted on and unanimously carried to recommend to accept the additions to the agenda as follows:

5.a.4) Request for Informal Non-Binding Opinion – Wailea Beach Villas
Condominium Project (CPR No. 4935)

At this time Chair Imanaka took the agenda out of order to visit the request for an informal non-binding opinion. He declared himself as having a conflict with the request and then recused himself from the meeting. Vice Chair Rice chaired the meeting for the following agenda item.

Condominium
Project
Registration:

**Request for Informal Non-Binding Opinion – Wailea Beach Villas
Condominium Project, CPR No. 4935**

Commissioner Kagawa disclosed the fact that one of the principles is a partner of hers, but feels that she will be able to fairly judge the issue.

Ms. Nikki Senter and Mr. Richard Asato of Imanaka, Kudo and Fujimoto were present to represent Lai Honua, LLC, developers of the Wailea Beach Villas Condominium Project. Ms. Senter provided factual background on the request. The project consists of 99 apartments located in 8 multi-story structures. The issues at hand arose when the developer made changes to the size and configuration of the elevator shafts, elevator control room, air conditioning ducts in the buildings, and width of certain walls due to different construction material actually used. The changes were made for efficiency purposes, the elevator will still have the same functionality. After all the changes, the total useable area for most apartment owners, which includes the total apartment interior and limited common element areas were decreased.

Ms. Senter requested an interpretation of the term “material change” as used in section 514A-63, HRS that would trigger rescission rights.

Mr. Asato reported that the cost to maintain the new elevator system would be less than to maintain the elevator system in the original plan. He further asked that guidance be provided on whether the change in elevator system which resulted in a change in square footage would be considered a material change or not.

Commissioner Okawa requested clarification on the percentage in decrease of changes.

Commissioner Okawa was informed by Ms. Senter that percentage of decrease to useable area ranges from .041% to .420%, which represents a difference of between .89 square feet to 15 square feet.

Commissioner Abrams questioned the sales status of the units.

It was reported that approximately 97% of the units have been sold under the developer’s contingent final public report.

Commissioner Ohama questioned the total percentage change for the entire project and whether the changes in the common elements may be a substantial change to the purchaser.

Mr. Asato responded that the impact to the common element is relatively small to the change in the interior square footage of the units and the limited common elements.

Vice Chair Rice questioned if the developer intends on changing the selling price of the units. He also noted that the fees were based on the current budget and questioned that if there is a large decrease in percentage of the common interest, would the budget be affected and further, does the useable area include the lanai?

Mr. Asato responded that the developer does not intend on changing the selling price of the units but would need to check with the developer if there would be a change to the budget. He further responded that the useable area does include the lanai.

Vice Chair Rice further questioned if there was a change made in the condominium map?

Ms. Senter responded that the only changes made in the condominium map were to the air conditioning duct sizes and the configuration of the elevator shaft.

Vice Chair Rice responded that in his laymen's understanding, should there be a change to the condominium map, it is then considered a material change.

Mr. Asato responded that during the construction/developing process, changes normally occur and if you were to actually look at what is on the map and the actual physical site, there would be differences as changes may be made in construction materials, etc. He further reported that if the Commission were to provide a determination such as reported in the request, it would provide a "safe harbor" for developers who may find it necessary to alter the structural components of the project.

Vice Chair Rice responded that it is a valid long-term request to consider, but the particular issue regarding the material change should be addressed today. He further reported that a lot of what has been discussed today seems de minimus in nature, but the question that arises is, would the changes being made have a cost/value affect on the purchaser? Further, has the developer been disclosing to the prospective purchasers the changes being made?

Mr. Asato responded that he is unsure of the developer's disclosures to the purchasers on this issue.

Ms. Senter responded that the developer is willing to disclose the information and has amended the declaration and has included the changes in the developer's final public report.

Commissioner Ohama reported that the committee may want to look into a policy change or rule making to establish guidelines for the reporting of de minimus changes rather than issuing an informal interpretation based on one specific case. He further noted that sufficient information has not been provided on this particular case to make a decision at this time.

Mr. Asato reported that the initial public report documents state "approximate" square footages.

Senior Condominium Specialist Yee reported that she reviewed the developer's public reports and the declaration, the documents do state "approximate" square footage.

Ms. Senter reported that constructing a project is very dynamic and the reality is that the square footage will change as different consultants are involved, therefore the term "approximate" is used.

Commissioner Abrams questioned whether the purchasers who are in escrow have been informed of the changes and whether they were given the opportunity to provide feedback on the issue?

Ms. Senter replied that she is uncertain of the developer's communication with the purchasers. Mr. Asato added that the developer does hold periodic meetings, but is unsure if the disclosures have been made to the purchasers.

Upon a motion by Commissioner Okawa, seconded by Commissioner Nishihara, it was voted on and unanimously carried to take the matter under advisement.

Executive Session: Upon a motion by Commissioner Abrams, seconded by Commissioner Okawa, it was voted on and carried to enter into executive session pursuant to Section 92-5(a)(4), "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Upon a motion by Commissioner Ohama, seconded by Commissioner Okawa, it was voted on and carried to move out of executive session.

Commissioner Imanaka returns to the meeting at 11:31 a.m.

Upon a motion by Commissioner Okawa, seconded by Commissioner Nishihara, it was voted on and carried that based on the information presented by the developer's attorney in its letter of August 11, 2003, testimony presented by the developer's attorney at the August 13, 2003 CRC meeting, and the information contained in the developer's current contingent and supplement public reports (including the reported approximations of net square footage of apartments, lanais, porch or balcony), recommend approval to issue an informal non-binding opinion, subject to the review and recommendations of the condominium consultant for the project, receipt of additional information regarding what the total percentage change is for the entire project, and the advice of the deputy attorney general, that the resulting decrease in total useable area for apartments, which includes the total apartment interior and limited common element arrears appurtenant to certain apartment ranging from .89 square feet (representing .041% of the total useable area available to the apartment owner) to 15 square feet (representing .420% of the total useable area available to the apartment owner) do not fall within the purview of §514A-63(a), HRS, "material change." Chair Imanaka recused himself from voting on the issue due to his declared conflict of interest.

Further, upon a motion by Commissioner Ohama, seconded by Commissioner Abrams, it was voted on and carried to further recommend approval to investigate, study, and consider a policy and rules to establish guidelines for the reporting and treatment of de minimus changes to the apartment areas and percentage of common interests as non-material changes. Chair Imanaka recused himself from voting on the issue due to his declared conflict of interest.

Vice Chair Rice turned the meeting back over to Chair Imanaka at this time.

Commissioner Okawa was excused at 11:33 a.m.

Minutes: Upon a motion by Commissioner Rice, seconded by Commissioner Ohama, it was voted on and unanimously carried to accept the minutes of the July 9, 2003 Condominium Review Committee meeting as circulated.

Condominium
 Governance and
 Management:

AOAO Registrations

Specialist Grupen reported that as of July 31, 2003, 1,301 AOAOs have successfully registered.

Upon a motion by Commissioner Yamanaka, seconded by Commissioner Abrams, it was voted on and unanimously carried to recommend approval to ratify issuance of effective registration dates for Association of Apartment Owners through July 31, 2003 for the 2003-2005 registration. The associations are as follows:

Project Name	Reg Date	Project Name	Reg Date
1011 PROSPECT	7/1/2003	1040 KINAU	7/1/2003
1134 KINAU	7/21/2003	1329 DOMINIS	7/1/2003
133 LAKEVIEW CIRCLE	7/1/2003	1350 ALA MOANA	7/1/2003
1425 PUNAHOU	7/1/2003	1525 PENSACOLA	7/1/2003
1616 LIHOLIHO	7/1/2003	250 OHUA	7/15/2003
270 ULULANI CONDO APT BLDG	7/1/2003	58 MOHALA	7/15/2003
802 PUNAHOU	7/1/2003	ALA WAI COVE	7/1/2003
ALEXANDER THE	7/1/2003	ALII VILLAS	7/1/2003
ALOHALANI-TROPICANA	7/1/2003	ANAPUNI TERRACE	7/1/2003
BAY VISTA APARTMENTS	7/1/2003	BAYSHORE TOWERS	7/29/2003
BELVEDERE THE	7/1/2003	BLUESTONE	7/1/2003
BOULEVARD TOWER	7/1/2003	CANNERY ROW	7/1/2003
CAPTAIN COOK OCEAN VIEW	7/1/2003	CARLTON PLACE INCR NE	7/1/2003
CASA DE EMDEKO	7/1/2003	CENTURY WEST	7/15/2003
CLARK STREET APARTMENTS	7/1/2003	COCONUT GROVE AT KAPALUA BAY	7/1/2003
COCONUT PLNTN@KO OLINA	7/1/2003	COLLEGE GARDENS	7/1/2003
COLONY BEACH	7/1/2003	COLONY I	7/1/2003
COTY TOWER	7/24/2003	COUNTRY CLUB VILLAGE PH 2 BLDG 4	7/15/2003
CRAIGSIDE	7/1/2003	CRESCENT PARK	7/1/2003
CROWN THURSTON	7/1/2003	DIAMOND HEAD CONDOS AT PUALEI	7/1/2003
DIAMOND HEAD GARDENS	7/1/2003	DIAMOND HEAD LANDING	7/1/2003
DIAMOND HEAD SURF	7/1/2003	DOMINIS WEST	7/24/2003
EAST LAKE APARTMENTS	7/21/2003	EDEN AT HAIKU WOODS	7/1/2003
EDEN GARDENS	7/1/2003	ELIMA LANI CONDOMINIUMS	7/24/2003
ELMS THE	7/1/2003	ESPLANADE THE	7/1/2003
EWA BEACH TOWNHOUSE	7/1/2003	EWA COLONY ESTATES	7/1/2003
EXPRESSIONS III AT ROYAL KUNIA	7/1/2003	FAIRWAY MANOR	7/1/2003
FAIRWAY VILLAS AT HUALALAI THE	7/1/2003	FOSTER TOWER	7/1/2003
GARDENIA MANOR	7/15/2003	GARDENS AT LAUNANI VALLEY THE	7/1/2003
GOLF VILLAS AT HUALALAI THE	7/1/2003	GOVERNOR CLEGHORN THE	7/1/2003
GREGG APARTMENTS THE	7/1/2003	HAIKU POINT	7/15/2003
HALE ANAOLE APARTMENTS	7/15/2003	HALE KAHANALU	7/1/2003
HALE KAHEKA	7/15/2003	HALE KAMAOLE	7/22/2003
HALE MAHIAI	7/28/2003	HALE MOANI INC	7/1/2003
HALE MOI	7/1/2003	HALE NAPILI APARTMENTS	7/1/2003
HALE PAU HANA	7/1/2003	HALE PUA LEI	7/1/2003
HALELOA	7/1/2003	HARBOR TERRACE	7/1/2003
HAWAIIAN COLONY	7/1/2003	HILLSIDE VILLAS AT HUALALAI THE	7/1/2003
HOKULANI IN KAILUA	7/1/2003	HOKULOA	7/1/2003
HOLIDAY LAKEVIEW	7/1/2003	HOLIDAY MANOR	7/1/2003
HOLUALOA BAY VILLAS	7/1/2003	HONALO PLAZA	7/1/2003

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INTERNATIONAL COLONY CLUB	7/1/2003	INTERSTATE BUILDING	7/1/2003
KA'ULU VILLAS	7/1/2003	KAAHUMANU PLAZA	7/1/2003
KAHALA TOWERS	7/1/2003	KAHANA FALLS	7/1/2003
KAHANA SUNSET	7/1/2003	KAHANA VILLA	7/1/2003
KAHULUI IKENA	7/1/2003	KAIMALA MARINA	7/1/2003
KAIMANA LANAIS	7/1/2003	KAIMUKI JADE THE	7/1/2003
KAINUI ESTATES	7/1/2003	KALA KAI MARINA (SEE REG #7)	7/1/2003
KAMAHANA	7/1/2003	KAPAA SANDS	7/1/2003
KAPAA SHORE	7/1/2003	KAPAHULU VISTA APARTMENTS	7/1/2003
KAPIOLANI BEL-AIRE	7/1/2003	KAPIOLANI GARDENS INC	7/1/2003
KAPIOLANI ROYALE	7/1/2003	KAUAI COAST RESORT AT THE	7/1/2003
KAUAI INN	7/28/2003	KAUHALE BEACH COVE	7/1/2003
KEAUHOU KAI	7/1/2003	KEMOO BY THE LAKE	7/1/2003
KEONEKAI VILLAGES	7/1/2003	KEWALO GARDENS	7/1/2003
KIHEI COVE	7/1/2003	KIHEI GARDEN ESTATES	7/1/2003
KIHEI KAI	7/16/2003	KINAU LANAIS	7/1/2003
KING KALANI	7/1/2003	KOKO ISLE	7/1/2003
KON TIKI 'ANO HOU	7/1/2003	KONA COFFEE VILLAS	7/1/2003
KONA ISLE	7/1/2003	KONA MAGIC SANDS	7/1/2003
KONA MAKAI	7/1/2003	KONA NALU	7/1/2003
KONA REEF	7/1/2003	KONA SHORES CONDOMINIUM	7/1/2003
KOOLAU VISTA	7/15/2003	KUHALE KAPAHULU	7/1/2003
KUHIO SHORES AT POIPU	7/1/2003	KUKUI MOUNTAIN PARK CONDO	7/1/2003
KULEANA STREAMSIDE	7/1/2003	KUNIA TERRACE	7/1/2003
LA PIETRA	7/1/2003	LAHAINA ROADS	7/1/2003
LAKESIDE MANOR	7/1/2003	LAKEWOOD	7/1/2003
LALEA AT HAWAII KAI	7/1/2003	LAUOA MAALAEA	7/1/2003
LELE PONO	7/1/2003	LIHOLANI GOLF VILLAS	7/1/2003
LIHUE TOWNHOUSE	7/1/2003	LILIUOKALANI GDNS AT WAIKIKI	7/1/2003
LIONA KONA	7/1/2003	LUKEPANE COURT THE	7/1/2003
LUSITANA GARDENS	7/1/2003	MAALAEA KAI INC	7/1/2003
MAALAEA MERMAID	7/1/2003	MAHI KO AT WAIKELE	7/1/2003
MAI HALE	7/1/2003	MAKAHA VALLEY PLANTATION	7/25/2003
MAKANI A KAI	7/1/2003	MAKAUA SHORES	7/21/2003
MAKIKI PALMS	7/1/2003	MAKIKIAN THE	7/22/2003
MALUHIA AT WAILEA	7/1/2003	MANOALANI	7/1/2003
MARINER'S VILLAGE TWO	7/1/2003	MARINERS PLACE TOWNHOMES	7/1/2003
MASTERS AT KAA NAPALI HILLSIDE	7/1/2003	MAUI SUNSET	7/1/2003
MAUNA LOA VILLAGE	7/1/2003	MAUNAIHI TERRACE	7/1/2003
MAUNALOA SHORES	7/1/2003	MAWAENA KAI THE LANDING..O HI KAI	7/1/2003
MILILANI POINT	7/1/2003	MILOWAI-MAALAEA	7/1/2003
MOKULEIA SURF	7/1/2003	MOUNTAINVIEW TERRACE	7/1/2003
MT TERRACE	7/1/2003	NANI KOOLAU	7/1/2003
NANIWA GARDENS	7/1/2003	NIUMALU GARDENS	7/28/2003
NIUMALU PARADISE CONDOMINIUM	7/1/2003	NORTHPOINTE AT MILILANI	7/1/2003
NUUANU TERRACE	7/1/2003	NUUANU WOODS	7/1/2003
OCEAN VIEW	7/1/2003	OCEANSIDE MANOR	7/1/2003
ODE HACIENDA	7/1/2003	OLALOA	7/1/2003
ORCHID MANOR	7/29/2003	PACIFIC HEIGHTS PARK PLACE	7/1/2003
PAKALANA	7/1/2003	PALEHUA GARDENS	7/1/2003
PALEHUA NANI	7/1/2003	PALM VILLAS AT HUALALAI THE	7/1/2003
PAN PACIFIC	7/1/2003	PARK SURF	7/24/2003
PARK TOWER THE	7/1/2003	PARKWAY PHASE C-2	7/1/2003
PAT'S AT PUNALUU	7/1/2003	PEARL MANOR APARTMENTS	7/1/2003
PHASE 2 KEAUHOU GARDENS	7/1/2003	PINES AT KAILUA-KONA I THE	7/1/2003
PLUMERIA HALE	7/1/2003	POHAILANI MAUI	7/1/2003
POIPU MAKAI	7/1/2003	POIPU PALMS	7/1/2003
POMAIKA'I BUSINESS CENTER	7/1/2003	PRINCESS LEILANI	7/1/2003
PRINCEVILLE MAUNA KAI	7/1/2003	PRINCEVILLE PANIOLLO	7/1/2003
PROSPECT ESTATES THE	7/1/2003	PUAMANA	7/1/2003
PULUA	7/1/2003	PUNAHOU SUNSET	7/1/2003
PUNCHBOWL PLAZA	7/1/2003	PUNCHBOWL VISTA	7/1/2003
PUUIKI HALE	7/1/2003	PUUONE TOWERS AND PLAZA	7/1/2003
QUEEN EMMA GARDENS	7/1/2003	RAINBOW PLACE	7/1/2003
REGENCY TOWER	7/1/2003	SANDALWOOD	7/1/2003
SANDPIPER VILLAGE I	7/14/2003	SCANDIA THE	7/1/2003
SEASHORE THE	7/1/2003	SEASIDE TOWERS	7/1/2003
SEVENTEEN SEVENTEEN ALA WAI	7/1/2003	SKY TOWER APARTMENTS	7/1/2003

SOVEREIGN THE	7/1/2003	SPENCER COURT	7/1/2003
STREAMSIDE AT LAUNANI VALLEY	7/1/2003	SUNSET KAHILI	7/1/2003
SUNSET PAUMALU ESTATES	7/1/2003	SUNSET VILLA	7/1/2003
SURFVIEW THE	7/1/2003	TAMARACK PINES	7/22/2003
TANTALUS VISTA APARTMENTS	7/1/2003	TERRACE APARTMENTS	7/1/2003
TERRACES AT LAUNANI VALLEY THE	7/1/2003	TERRAZA	7/1/2003
TRADEWINDS PLAZA	7/1/2003	VALLEY ESTATES	7/1/2003
VALLEY PARK PLACE	7/1/2003	VILLA MARINA	7/1/2003
VILLAGE MANOR	7/1/2003	VILLAGES AT WAIPIO THE	7/1/2003
VILLAS AT KE ALAULA THE	7/15/2003	VISTA DEL MAR	7/1/2003
VISTA WAIKOLOA	7/1/2003	WAI'AU GARDENS KAI UNIT G-I	7/1/2003
WAIKIKI BANYAN	7/1/2003	WALEA ELUA	7/21/2003
WALEA POINT VILLAGE	7/1/2003	WALEHUA APARTMENTS THE	7/1/2003
WAILUKU MANOR	7/1/2003	WAINAKU TERRACE	7/1/2003
WELLS STREET PROF CENTER	7/1/2003	WHALERS COVE AT POIPU	7/1/2003
WINDSURFER THE	7/1/2003	WINDWARD PASSAGE THE	7/1/2003
WORLDMARK CLUB AT KIHEI MAUI	7/1/2003	YACHT CLUB KNOLLS	7/1/2003
YACHT CLUB TERRACE	7/1/2003		
Total:	253		

Specialist Grupen further reported that 36% of registered AOA's reregistered via the online service provided. He further reported that online registration information provided by HIC (the vendor) was not timely and some technical problems were encountered. Staff will work with the vendor on future enhancements and the possibility of demonstration and meetings with the larger management companies approximately six month prior to the next registration to demonstrate the usefulness of online registration and to identify additional concerns.

Educational Advisory Group

Specialist Grupen reported that the Educational Advisory Group will be meeting on August 13, 2003 at 2:00 pm. The group has already completed a survey to AOA's on their knowledge of the Commission and the educational opportunities provided. Among other things, the committee will be discussing ways to create more educational programs for the condominium community at its upcoming meeting.

Condominium Seminars and Symposium

Specialist Yee reported that CAI Hawaii's Legislative Update 2003 seminar held on July 17, 2003 was well presented. Those present were updated on the most recent law changes. Chair Imanaka noted that the attendance seemed to be lower than past Legislative Update seminars offered by CAI Hawaii.

Case Law Review Program

The following articles from the July 2003 issue of *Community Association Law Reporter* were distributed for informational purposes: "Declaration's Restrictive Covenant Bars Association from Levying Special Assessment," and "Condominium Bylaw May Violate Fair Housing Act."

The following articles from the July 2003 issue of *Community Association Management Insider* were distributed for informational purposes: "Member May Sue Association, Attorney for Libel Over Letters Sent to All Residents," and "Association Can't Reduce Voting Percentage Needed by Court Petition."

Condominium Related Articles

The article entitled "Create Policy to Deal with 'High-Risk Components' Before Disaster Strikes" from the July 2003 issue of *Community Association Management Insider* was distributed for informational purposes.

The article entitled "Budgets: A Brief Summary of the Legal Requirements" from the June 2003 issue of *Hawaii Community Associations* was distributed for informational purposes.

Condominium
 Project
 Registration:

Condominium Project Registration - Public Reports Issued

Upon a motion by Commissioner Yamanaka, seconded by Commissioner Ohama, it was voted on and unanimously carried to recommend approval to ratify issuance of effective dates for public reports for the month of July 2003 as follows:

Proj No	Project Name	Project Address	TMK #	Report	Date
5109	1227 8TH AVENUE CONDO	1227 & 1227A 8TH AVE HONOLULU HI 96816	(1)3-03-004:043	Final	07/18/03
5146	1593 & 1595 ELUA STREET	1593 ELUA ST HONOLULU HI 96819	(1)1-03-027:050	Final	07/28/03
5112	3361 WOODLAWN DR PROJECT	3661 A,B & C WOODLAWN DR HONOLULU HI 96822	(1)2-09-059:078	Final	07/01/03
5155	45-166A & 45-166B KOKOKAHI PL	45-166 A & B KOKOKAHI PLACE KANEHOE HI 96744	(1)4-05-031:068	Final	07/29/03
5115	67-345S & 67-345B KAIEA PLACE	67-345A KAIEA PL WAIALUA HI 96791	(1)6-07-013:009	Final	07/18/03
5100	712 & 714 20TH AVENUE	712 & 714 20TH AVE HONOLULU HI 96816	(1)3-02-057:022	Final	07/01/03
5143	ALAKEA CORPORATE TOWER	1100 ALAKEA STREET HONOLULU HI 96813	(1)2-01-010:005	Prelim	07/22/03
3339	ALOHA AINA	LOT 15 KALIHIWAI RDG II HANAIEI HI	(4)5-02-022:015	Suppl 2	07/03/03
5095	DECKER CONDOMINIUM	81-1002&81-1004 KEOPUKA MAUKA S KONA HI	(3)8-01-016:016	Final	07/15/03
5133	DESTINY AT KAPANOE - PH I	MAHELU, ALIANA ST & HALEPULE PL MILILANI HI 96789	(1)5-09-049:003	Prelim	07/01/03
4992	HAVENS OF I'I VISTAS II -PH I	KO'OLANI DRIVE MILILANI HI 96789	(1)9-05-049:056	Final	07/14/03
5151	HU'ELANI PHASE 9	91-802 LUANA'IKI ST & 91-715 LA EWA BEACH HI 96706	(1)9-01-116:005	Prelim	07/14/03
5065	KALOKO ORCHARDS	73-4672 KUHUALANKI RD KAILUA-KONA HI 96740	(3)7-03-024:040	Final	07/03/03
5147	KAUNALA HALE	59-348 MAMAO PL HALEIWA HI 96712	(1)5-08-005:082	Final	07/25/03
5138	KEALIA KAI 11	LOT 11 KEALIA MAKAI SUBDIV KAWAIIHAU HI	(4)4-07-007:011	Final	07/18/03
5113	KILOHANA PARADISE II CONDO	527 HANA HIGHWAY KUAU HI 96779	(2)2-06-009:010	Final	07/24/03
5076	KOHALA COAST VIEW II CONDOMINIUM PROJECT	KAHUA 1ST KOHALA HI	(3)5-09-006:017	Final	07/15/03
5083	KOLO FARMS	87-2872C MAMALAHOA HWY CAPTAIN COOK HI 96704	(3)8-07-013:074	Final	07/07/03
3508	KUKUIULA BAY CONDOMINIUM	4730/4736 LAWA'I BEACH RD KOLOA HI 96746	(4)2-06-011:001	Suppl 1	07/01/03
4828	KUMU LA'AU HALE	23 WA'A PLACE PAIA HI 96779	(2)2-06-011:023	Suppl 1	07/16/03
5153	LAS BRISAS PHASE 10	91-458 TO 91-486 MAKALE'A ST EWA BEACH HI 96706	(1)9-01-010:082	Prelim	07/14/03
5145	LAS BRISAS PHASE 11	91-456 TO 91-508 MAKALE'A ST EWA BEACH HI 96706	(1)9-01-010:082	Prelim	07/14/03
5062	LAS BRISAS PHASE 7	91-386, 91-406 MAKALE'A ST EWA BEACH HI 96706	(1)9-01-010:082	Final	07/31/03
5142	LEHUA FARMS	LOT 9-D-2 KIOLAKAA-KEAA HMSTD KAU HI	(3)9-04-005:047	Final	07/24/03
5085	LIHOLIHO STREET CONDO	1410 & 1412 LIHOLIHO ST HONOLULU HI 96822	(1)2-04-020:053	Final	07/30/03
5084	ORCHID LANE	607 & 611 N SCHOOL ST	(1)1-07-033:008	Final	07/31/03

5130	PAKALA BAY CONDOMINIUM	HONOLULU HI 96817 LOT B 01-950 KAUMUALII HWY MAKAWELI HI 96769	(4)1-07-006:013	Final	07/15/03
5114	PANDA'S BAMBOO RANCH	LOT 75-B-1 KILOA & WAIPUNAU S KONA HI	(3)8-02-001:149	Final	07/09/03
5106	RICHARD LANE ESTATES	1212J, J1, J2 RICHARD LANE HONOLULU HI 96819	(1)9-09-067:033	Final	07/24/03
5014	SILVA CONDOMINIUM PROJECT	LOT A HOMESTEAD RD AT KAHEI N KOHALA HI	(3)5-05-01:053	Final	07/03/03
5139	TERRACE AT KONA VISTAS THE	PULANI ST KAILUA-KONA HI 96740	(3)7-06-027:042	Prelim	07/18/03
5043	TIBURON PHASE 4	MAKALI'A LP EWA BEACH HI 96706	(1)9-01-010:082	Final	07/01/03
5075	TIBURON PHASE 8	91-1062 TO 91-1078 KOMO'AINA ST EWA BEACH HI 96706	(1)9-01-010:082	Final	07/25/03
5134	TIBURON PHASE 9	91-706 TO 91-730 MAKALE'A ST EWA BEACH HI 96706	(1)9-01-010:082	Prelim	07/01/03
4689	VILLAS AT KENOLIO THE PH I	KA'ONO'ULU ST KIHEI HI 96753	(2)3-09-001:160	Suppl 1	07/28/03
Preliminary Reports:		7			
Contingent Final Reports:		0			
Final Reports:		24			
Supplementary Reports:		4			
Total:		35			

Project Statistics

Specialist Grupen announced that the "Public Access to Developer's Public Report" computer is now available in the Documents Viewing Area of the Real Estate Branch, 250 S. King St, 7th Floor. Users are able to research condominium projects and the developer's public reports from the public access computer. Copies of the public reports may be copied, provided that users supply their own CD or floppy disk.

SEO Kimura reported that the Branch's goal is to have available online access to the developer's public reports and AOA registrations.

Specialist Yee thanked condo staff for their hard work in scanning the thousands of public reports.

Program of Work: **Advice, Education and Referral – Highlights from July 2003 Inquiries**

Specialist Yee provided the committee with written highlights of inquiries received from the public during the month of July.

Recodification of Chapter 514A

Chair Imanaka announced that recodification public hearings are being scheduled for the neighbor islands and Oahu during the months of August, September and October. Commissioners to be informed upon finalization of the hearing dates.

Recodification Attorney Arakaki informed the committee members that he is willing to review with each of them the Commission's recodification work product.

Interactive Participation with Organizations

Upon a motion by Commissioner Ohama, seconded by Commissioner Kagawa, it was voted on and unanimously carried to recommend approval to send up to two representatives to CAI's 30th Anniversary Conference and Exposition, October 30 to November 1, 2003 in Washington, D.C., to be determined by the Chair of the

Real Estate Commission and the SEO, and further subject to the availability of funds, budget, and departmental approvals.

Hawaii Condominium Bulletin – Distribute to AOAOs

Specialist Grupen reported that recently staff has received several requests to distribute the Hawaii Condominium Bulletin to someone other than the “designated officer.” In June 2000, the Commission notified the AOAOs that the Commission would be sending all educational materials, including the Hawaii Condominium Bulletin, to the AOA’s designated officer. He further discussed the pros and cons to changing to the delivery of someone other than the designated officer.

Upon a motion by Commissioner Rice, seconded by Commissioner Ohama, it was voted on and unanimously carried to recommend approval to allow the AOA to designate the Hawaii Condominium Bulletin recipient other than the “designated officer” pursuant to a resolution adopted by the Board of Directors that is then submitted to the Real Estate Commission.

Government and Legislative Participation

Chair Imanaka reported that the legislature passed Act 115 which requires the Real Estate Commission and the Department of Health to submit a report on assisted living in condominiums. Meetings have been scheduled and the end product will be a report to the next legislature.

Neighbor Island Outreach

The September 10, 2003 committee meetings are scheduled to be held on the island of Kauai. The CRC meeting will follow the Education Review Committee meeting which follows the Laws and Rules Review Committee meeting scheduled to convene at 9:30 a.m.

Condominium
Organizations Forum:

There were no comments, recommendations or concerns received from the following:

Community Associations Institute Hawaii Chapter, Alakahi Foundation, Hawaii Council of Association of Apartment Owners, Hawaii Independent Condominium and Cooperative Owners, Hawaii State Bar Association/Real Property & Financial Services Section, Land Use Research Foundation, Condominium Council of Maui, Hawaii Association of Realtors/Institute of Real Estate Management Hawaii Chapter/ Oahu Arm Committee, others.

Open Forum:

No discussion presented.

CMEF Budget &
Finance Report:

Specialist Grupen reported on a discrepancy on the distributed pro forma CMEF Budget v. Actual report, June 30, 2003. The discrepancy in Association and Developer Contributions is partially due to a decreased fee paid directly to the Professional and Vocational Licensing Division (P&VLD) for online registration. Had the fee been paid directly to P&VLD, the actual amount for Association and Developer Contributions would total \$448,533.45. Further \$7,806 was inadvertently applied to interactive participation with organizations instead of condominium seminars and symposiums. Finally, due to a fiscal office reporting of the purchase of new computers, reference to the computer purchase during

fiscal year 2003 will be removed to more accurately reflect the condominium management education fund balance.

Upon a motion by Commissioner Rice, seconded by Commissioner Nishihara, it was voted on and unanimously carried to recommend acceptance of the report for fund balances as of June 30, 2003 subject to the corrections reported.

Next Meeting: September 10, 2003
Upon adjournment of the Education Review Committee meeting which follows the Laws and Rules Review Committee meeting scheduled to convene at 9:00 a.m.
Conference Rooms A, B & C
State Office Building
3060 Eiwa Street
Lihue, Kauai

Adjournment: With no further business to discuss, Chair Imanaka adjourned the meeting at 11:50 a.m.

Respectfully submitted:

/s/ Cynthia M. L. Yee

Cynthia M. L. Yee
Senior Condominium Specialist

September 10, 2003

Date

Minutes approved as is.

Minutes approved with changes; see minutes of _____