

**Rep. Rida Cabanilla**

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**From:** Cherub Akin [cherubw@aol.com]  
**Sent:** Wednesday, February 02, 2011 12:02 AM  
**To:** Rep. Rida Cabanilla  
**Subject:** HOUSE BILL 1464

**LATE TESTIMONY**

- FROM: Cherub Akin, Family Nurse Practitioner
- TO: The Committee on Housing
- HEARING DATE: Wednesday, February 2, 2011 – 8:30am
- MEASURE #: House Bill 1464

Dear Representative Cabanilla,

Please accept this email as my testimony in support of House Bill 1464.

In April 2010 my husband and I settled on our home on Niolo Street in The Carriages, a Ewa by Gentry property. Prior to our closing we were never disclosed in writing any 'issues' with the street or neighborhood, however, my husband was told by the sellers that "the house at the end of the street was being turned into a Kokua care home" soon. Upon doing an internet search we found several references that Kokua Care was another name for elder care. We advised our real estate agent, Mr. Bryn Kaufman, that we did not have any issue with an elder care home being located on our street.

In September we were discussing the proposed elder care home with neighbors and were advised that it was not going to be an elder care home but a Mental Health "halfway house" instead. The accuracy of this statement spread like wildfire through the street and into the neighborhood. It quickly enraged all of us mostly because we were never advised. Several of the neighbors banded together and raised money solely for the purpose of hiring an attorney to research all options available in order to maintain our rights as homeowners in an Ewa by Gentry property. We all understood our Declared Covenants, Conditions and Restrictions (DCCR's) and as a group felt some of these "rules" had been violated when a mental health corporation purchased a home to be used for transient patients. The attorney spent two months reviewing all documents, researching laws and examining similar cases. A 13-page document was prepared for us outlining all issues. After we, the plaintiffs reviewed everything a final decision was made that there was no approach we could pursue that had a chance of winning because the "patients" are considered disabled and we would be considered prejudice against them.

It is evident that those "patients" have significantly more rights as transient non-homeowners than do the homeowners who are occupying their properties. In lieu of this the following are my points of concern:

1. Shouldn't a new homeowner be advised of a Mental Health Halfway house on the same street? I feel very betrayed by the entire "justice" system that would allow my husband and I to buy our RETIREMENT home, without having the opportunity to consider a Mental Health House on the same street, in our decision making process of whether to buy or not on the street.

2. How can a corporation own a home in a neighborhood that is governed by DCCR's that restrict all homes to "family" residences?

3. How can a board member (the secretary at the time of the sale) sell the house to Leeward Kokua Housing for several thousand dollars over the asking price and permit this corporation to do \$50,000++ in improvements before the actual sale and before the appraisal for the HUD mortgage loan?

4. How can a corporation be held to the same astringent restrictions in our DCCR's as we as individual homeowners are held to?

5. Within the first month of accepting their initial "patients" the police were called three (3) times.

It is obvious that nothing can be done to change the situation on my street. However, I beg you to support this Bill in order to protect other homeowners and neighborhoods from a similar situation. Everyone has a right to know issues that will affect their safety, piece of mind and last but definitely not least, their home values. In a struggling market it is unfair to further burden home values by permitting a transient, corporate, mental health group-home to open in a quite upscale family neighborhood.

Thank you for your support,

Cherub Akin  
Family Nurse Practitioner

91-1022 Niolo Street  
Ewa Beach, HI 96706

**LATE TESTIMONY**

**Rep. Rida Cabanilla**

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**From:** Vanrana [vanrana@hotmail.com]  
**Sent:** Wednesday, February 02, 2011 12:49 AM  
**To:** Rep. Kymberly Pine; Rep. Rida Cabanilla; HSGtestimony  
**Subject:** HB1464 (PLANNED COMMUNITY ASSOCIATIONS)

Please support HB1464 (PLANNED COMMUNITY ASSOCIATIONS); I live in one of the Ewa by Gentry subdivisions and experienced first-hand the Board of Director's abuse of power addressed by this bill. Several years ago, residents in some parts of our community were experiencing trash problems with some of the trees originally planned by the contractor. A Board meeting was held to resolve the issue, a cost-effective solution was reached, and it was approved by a majority of the attending residents. One resident was not satisfied, so she finagled her way on to the Board by way of assignment, not by election, and unilaterally rescinded the approved solution. Since then she has cost the association unnecessary funds to implement her personal agenda. Last year, the Board approved the purchase of a home in our subdivision by a commercial enterprise to use as a Group Assisted Living Facility for those with mental problems. Our bylaws prohibit using a residence for commercial purposes. The Board did not inform residents of the plans to grant such permission and they did not even inform us that negotiations were underway with the state government and this company. When word leaked out that this company was planning to move in, our state and federal legislators held a meeting to assess the attitude of the residents regarding this misuse of property. Board members refused to attend the meeting. They still refuse to discuss the matter.

Suggestion: In "§421J-5, add a statement that homeowners will receive timely notification of any unscheduled meeting of Board members.

Terry M. Allard  
Ewa Beach

**LATE TESTIMONY**

**From:** Kenrick [kenrickone@hotmail.com]  
**Sent:** Wednesday, February 02, 2011 12:55 AM  
**To:** Rep. Rida Cabanilla  
**Subject:** Please vote YES and SUPPORT HB 1464 as well as more stronger protection measures for homeowners on Oahu.

Dear Representative Cabanilla:

**HB 1464** - is (1) to require homeowners community association boards to be open and transparent when making board decisions and carrying out board actions, (2) to prohibit association boards from harassing or intimidating association members, and (3) to prohibit board members from having financial conflicts of interest when they render board decisions or undertake board actions.

I have some very important issues with the way homeowner's/community associations operate and possess devastating powers over the homeowner's property here in Hawaii.

The ability to foreclose on our property or charge assessment fees without providing any service by a homeowner association has never been voted on by any voter in the United States, yet in many states, like Hawaii, homeowner/community associations can foreclose on our property for non payment of various fees, violations and defaulting account.

In addition, the associations would use hostile tactics even for some of the most "minor" or "ridiculous" so called violations (i.e. temporary storing a bag of river rocks on my the side of my driveway far away from the sidewalk awaiting the next spare time to work on my landscape project, etc.) they would send you threatening notices and then fine you for this.

Any association dues you pay, they would take that payment and apply it to the fines 1<sup>st</sup> and if the timing is when your association fees are due, then they hit you with a late and partial payment fees for your dues because they diverted your payment of the dues to pay the fees. Sometimes, by the time you receive the letter demanding the additional fees to be paid and you already sent your dues payment. They would take whatever portion of your dues payment and apply it to whatever other fees without your knowledge or approval. Then they would follow with a partial payment and late fee notice for your dues from this tactic they use.

In addition, the association dues continue to rise without any controls or association "members" (homeowners) ability or right to vote and challenge such increases.

In this troubled economic times we are all in, many of us are struggling to earn money to pay the ever increasing expenses. We are spending less, and even working two jobs just alone in trying to make ends meet. We often don't have the spare time we use to have to do projects around the exterior of our homes nor can we afford to pay someone to do the work.

My homeowners/community association, Ewa by Gentry charged association dues of \$45 p/quarter year at the beginning when I moved in around December 2003 to now an outrageous \$125.00 p/quarter year for this quarter. I wish my income would increase at that rate! However, the services provided by this association have been less and less every year. In the 1<sup>st</sup> year, I would often see the Community Watch (CW) patrols, driving around the neighborhood almost every day/night to keep crime down in the neighborhood. As years pass, they become less and less apparent and since 2008 they still have the staff and department but their purpose have changed. The association has shifted those duties to a neighborhood crime watch where the association provides no services or funds to that effort. Those so called CW patrols are now "enforcement" patrols where they look for every little so called violation on your property they can charge you with.

The excuses the association use in the association dues increase letters are often for services not used by our neighborhood, which is fairly new compared to other neighborhoods in the association. Why do we have to pay for older neighborhoods to get new fencing and new walls, landscape? Our area Prescott does not have maintenance fees and we the homeowner are responsible for the landscape upkeep on our properties. So why are we covering the cost of landscaping? The tree trimmer that trims the single tree on the planter strip comes out once every quarter, nothing else.

Every one of us in the neighborhood pays the same for this tiny service. Many of us in the Prescott neighborhood do not utilize or need any of the association services. The homeowners do everything here; we sweep and clean the sidewalks, the streets, the fences, the landscape is all our own responsibility, even we pickup the fallen leaves from that single tree on the planter, we pay our own utilities, etc. The streets, street lighting, etc. in our area are all City & County of Honolulu property and thus maintained by the city. So, why are we required to pay fees and dues for non existence services?

The association also added several hundred new homes to the community with a substantial increase in funding from all those new homeowners dues and fees. Yet, the association keeps saying they don't have enough money to upkeep everything and they had to hire more employees due to the additional homes in the community. Aren't those homeowners paying dues like the rest of us? Then why not increase only "those new" homeowner's dues for the additional load?

I was surprised that the association has the power to foreclose on your hard earned property just because of some mischarged and abused late and other fees.

I was also shocked the scare and threat tactics the association uses in an attempt to raise revenue for their out of control expenditures using our money from the dues and all the fees they charge. The association now even charges fees just to "improve" your own property as you choose. I wonder what they would charge for you to do the opposite to your home.

Most of us are cutting costs and controlling expenses in these hard economic times but yet the association continues to spend without any controls or accountability.

I am, therefore, writing you for action on my behalf to stop homeowner or community associations from having the power to foreclose on homeowner's property and the ability to charge assessment fees without providing a satisfactory service of my choice by my local association Ewa by Gentry or any other homeowner's/community associations. It is against my property and Constitutional rights for a homeowner/community association to be able to foreclose on my or anyone's property, be forced into signing a contract to attach as a condition when buying a home and to be charged fees or dues without consent to services I approve to use. Also, the homeowner/community association is solely a creditor or a service provider and should not have more power than any other creditor or service provider in the United States. We the people should have the right to terminate any contract or service to any homeowner/community association membership of our free choice when we do not feel they are providing service to our satisfaction.

I am also asking that you not only stop this practice. Additionally, the practice of closing the home transfer, of making it mandatory to sign paperwork appending you to a mandatory association with foreclosure power and not having a choice to terminate such contract as the homeowner sees fit, is against our right to choose and interferes with our Constitutional right to enjoyment of our property.

Therefore, as my representative, I ask you to bring legislation to put a stop to all of this. I am sure that there are many countless homeowners who are in similar situations with their homeowner's/community associations.

Please vote YES and SUPPORT HB 1464 as well as more stronger protection measures for homeowners on Oahu!

Thank you for your time and assistance in this matter.

Sincerely,

Kenrick S. Chung  
91-1043 Ka'ilike Street  
Ewa Beach, HI 96706-4681

**LATE TESTIMONY**

**Rep. Rida Cabanilla**

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**From:** Michael A. McMann, MD, LLC [michael.mcmann.md@oahulasik.com]  
**Sent:** Wednesday, February 02, 2011 7:08 AM  
**To:** Rep. Rida Cabanilla  
**Subject:** Fw: Testimony for HB 1464

91-2139 Fort Weaver Rd., Suite 202  
Ewa Beach, HI 96706  
(808) 677-2SEE  
Fax: (808) 441-7737  
[www.oahulasik.com](http://www.oahulasik.com)

**LATE TESTIMONY**

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--- On Wed, 2/2/11, Michael A. McMann, MD, LLC <[michael.mcmann.md@oahulasik.com](mailto:michael.mcmann.md@oahulasik.com)> wrote:

From: Michael A. McMann, MD, LLC <[michael.mcmann.md@oahulasik.com](mailto:michael.mcmann.md@oahulasik.com)>  
Subject: Testimony for HB 1464  
To: "Kymberly Pine" <[reppine@capitol.hawaii.gov](mailto:reppine@capitol.hawaii.gov)>, [repcabanilla@capitol.hawaii.gov](mailto:repcabanilla@capitol.hawaii.gov), [HSGtestimony@capitol.hawaii.gov](mailto:HSGtestimony@capitol.hawaii.gov), "Leah McMann" <[leah.mcmann@amedd.army.mil](mailto:leah.mcmann@amedd.army.mil)>  
Date: Wednesday, February 2, 2011, 7:04 AM

Testifier's Names: Michael A. McMann, MD & LTC Leah P. McMann, MD

To The Committee on Housing regarding House Bill 1464 scheduled for hearing on Wed, Feb 2nd, 2011 at 8:30 AM

To begin with, please let us apologize for this being so last minute and not in person as we would have liked. However, we were not notified about this hearing until yesterday evening.

In short, we are both strongly in favor of HB 1464 and would like to see it acted upon and passed.

We are residents of Ewa by Gentry and we feel we were betrayed by our board this past fall. They approved, behind closed doors, the purchase of a single family home by a business (Mental Health Kokua) that was going to have the sole purpose of acting as a halfway house for patients with severe mental illness. To make matters worse, the home sold to Mental Health Kokua was a home owned by a voting member of the board at the time MHK approached the Ewa by Gentry Board regarding this matter. This home then sold to MHK for \$13,000 ABOVE the asking price after having been on the market for about a year.

After learning of this, we approached our board at their meeting and we were promptly shut down and the board

closed their meeting and moved it to an executive session. We then organized a town meeting with the help of Congressman Djou's and Representative Pine's Offices which was held at the Holomua Elementary School Cafeteria one evening. All involved parties were invited to show up and discuss this. MHK and the Department of Health showed up at this meeting. The only notable exception was any member of our board who did not show up at this meeting. This meeting attracted nearly 500 Ewa by Gentry Residents and led all the local news broadcasts that evening.

We feel that our board acted in a reprehensible fashion with no transparency and a significant conflict of interest. We are strongly in favor of HB 1464 to try and help to prevent egregious behavior like this by other boards in the future.

Sincerely,  
Michael & Leah McMann

91-2139 Fort Weaver Rd., Suite 202  
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**LATE TESTIMONY**

**Rep. Rida Cabanilla**

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**From:** Rick Spielman [spielmanf001@hawaii.rr.com]  
**Sent:** Tuesday, February 01, 2011 10:47 PM  
**To:** Rep. Rida Cabanilla  
**Subject:** HB1464 (PLANNED COMMUNITY ASSOCIATIONS)

Although I cannot make it to the hearing tomorrow, I strongly support subject bill. I am a resident of Ewa by Gentry and believe that the association members I elect should be open and forthright in their operations.

Frederick M. Spielman  
91-1519 Kaaimalu Pl  
Ewa Beach, HI 96706

**LATE TESTIMONY**



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 01, 2011 8:11 PM  
**To:** HSGtestimony  
**Cc:** llululiv@aol.com  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Lucia Livoti  
Organization:  
Address: 3559 L. Honoapiilani rd #707 Lahaina Hi  
Phone: 808-283-1477  
E-mail: [llululiv@aol.com](mailto:llululiv@aol.com)  
Submitted on: 2/1/2011

Comments:

**LATE TESTIMONY**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 01, 2011 6:57 PM  
**To:** HSGtestimony  
**Cc:** bryanwd@hawaii.rr.com  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Bryan Delp  
Organization: Individual  
Address:  
Phone:  
E-mail: [bryanwd@hawaii.rr.com](mailto:bryanwd@hawaii.rr.com)  
Submitted on: 2/1/2011

**Comments:**

Members of the board for homeowners associations should be required to have no conflict of interest either financially or ethically (i.e. Board member affiliation with developer). Decisions affecting homeowners should be more transparent. Too many times decisions are made by a few board members which benefit the board but not the majority of homeowners to include election of board members.

**LATE TESTIMONY**

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**From:** Tammy Lorenzo [makalani2722@hawaii.rr.com]  
**Sent:** Tuesday, February 01, 2011 11:14 PM  
**To:** HSGtestimony  
**Subject:** HB1464

As a homeowner in Ewa Beach, I feel like our rights were grossly violated when it came to a Group Assisted Living Facility purchasing and running their business among our residential homes. It is clearly a breach of our contract rights and we are vehemently opposed to allowing this to happen again at any future date. Please put HB1464 in effect so that it does not happen again. We pay monthly maintenance fees which keep increasing to keep our kids safe and to feel like we live in a safe environment but we can NOT feel safe when a business with previous offenders are living among us nor were we ever given the opportunity to voice our opinion on how we would feel should such a business be established. Please protect our rights and pass HB1464.

Sincerely,

Tammy L. Lorenzo  
resident of Ewa By Gentry, Cortebella

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 02, 2011 7:20 AM  
**To:** HSGtestimony  
**Cc:** FRANK@ALLABOUTHAWAII.COM  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: FRANK PORCELLI JR  
Organization: HALE MAHINA HOMEOWNERS ASS  
Address: 12168 SW GARDEN PLACE TIGARD ORE  
Phone: 503-713-2035  
E-mail: [FRANK@ALLABOUTHAWAII.COM](mailto:FRANK@ALLABOUTHAWAII.COM)  
Submitted on: 2/2/2011

Comments:

I am the President of the Hale Mahina Home Owners Association; should the proposed bill become law I would reasonably anticipate that most if not all of the board members, including myself will resign and it may be impossible to find individuals to serve on the board.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 02, 2011 6:37 AM  
**To:** HSGtestimony  
**Cc:** judyhoward01@hawaii.rr.com  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Judy Howard Coblentz  
Organization: Keauhou Kona Surf & Racquet Club  
Address:  
Phone:  
E-mail: [judyhoward01@hawaii.rr.com](mailto:judyhoward01@hawaii.rr.com)  
Submitted on: 2/2/2011

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 02, 2011 5:50 AM  
**To:** HSGtestimony  
**Cc:** pandpmurray@aol.com  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Paul P. Murray  
Organization: Individual  
Address:  
Phone:  
E-mail: [pandpmurray@aol.com](mailto:pandpmurray@aol.com)  
Submitted on: 2/2/2011

Comments:

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**From:** Bree'Ana Vellalos [bree.vellalos@gmail.com]  
**Sent:** Tuesday, February 01, 2011 8:43 PM  
**Subject:** Please PASS HB 1464!!

Please Pass House Bill 1464! This Bill will provide safety and much needed transparency for residents.

Bree

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**From:** Antonio Gimbernat [antoniogimbernat@gmail.com]  
**Sent:** Tuesday, February 01, 2011 10:26 PM  
**To:** Rep. Kymberly Pine; HSGtestimony; Rep. Rida Cabanilla  
**Subject:** Please address this Home Owner Associations' Issue if Possible. Mahalo Nui Loa =)

Aloha Rep. Pine, Rep Cabanilla & HSG Testimony (Citizen/Public Testimony)

(Note: Confidential; Use Discretion when addressing this Subject Matter as not to Offend or Upset Uneducated Illiterate Individuals.)

Subject: Controversial Issue regarding Home Owners Associations Rights & Responsibilities.

To who it may concern, (OHA?)

Recently I moved into a Condo in Kihei.

I am Caucasian, Non-Jewish. (My Heritage comes from Spain).

I have encountered 3 Negros on the Property & using the Common Pool Area since I have moved in.

To be Honest, I don't hold any Issues against Negros other than I feel they are Forcefully Encroaching their Presence upon People who do not wish to be Neighbors with them. I.E. Segregation Vs. Desegregation.

I am not sure how the Office of Hawaiian Affairs Views/Addresses this type of Issue? (I.E. Kamehameha Schools)

So here is an Issue of Preservation of Ethnicity & Culture Vs. Desegregation.

The Negros will claim Discrimination if the Home Owner Associations' Refuse to Sell a Unit to them.

Yet, as a Tenant/Neighbor, I am Fearful of Criminal Behavior & of feeling Uncomfortable in my Habitat.

I will avoid the Swimming Pool if I see Negros using it. Is this fair to me on a Hot Saturday Afternoon?

Yes the Negros have the Right of Desegregation; But do I retain my Right to Segregation?

So here, perhaps this Controversial Issue should be addressed since the Home Owners Association Issue is on the Floor.

Please be aware that Negros & Jews are Notorious for being in DENIAL of their Ethnicity & Culture, thereby ENCROACHING upon Innocent Ethnicities & Cultures without a Voice.

If anyone says anything about their Race or Religion..., they will use Slanderous Defamation of Character & Imply that the Person(s) who are confronting them about their DENIAL are Racist or filled with Hate; which is Unfounded.

Their DENIAL is not what is PONO.



Many Home/Condo Owner Associations are Fearful to confront this Issue Because of a Potential Discrimination Law Suit; But at the same time, they must use Discretion as not to Disturb the Peace of the other Tenants. I.E. They have a Responsibility to look out for the Residents' Welfare.

So is this Discrimination Vs. Discretion?

So what are my Rights in this Situation? Is there anything I can do?

Anyways, I think you get the idea or Points I am attempting to address.

Very Controversial, but I am just trying to make the World a Better Place, looking out for every one's Welfare.

See if you can address this Issue, & let me know if you come up with any results.

Perhaps OHA will have to take the NAACP to Court?

I respect Negros Ethnicity & Culture; but I don't want my Kids listening to or Singing Gang Banging Rap Music, & I definitely would not want my Daughter dating a Negro; For Ethnicity & Cultural Reasons.

I thank you for your time.

Sincerely with Aloha,

Antonio Gimbernat.

I hope this Subject Matter makes sense to you & did not offend you.

Also, use discretion when addressing this Subject Matter as not to Offend or Upset Uneducated Illiterate Individuals.

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**From:** Gary Johnson [waikikigary@yahoo.com]  
**Sent:** Tuesday, February 01, 2011 8:16 PM  
**To:** Rep. Kymberly Pine; Rep. Rida Cabanilla; HSGtestimony  
**Subject:** HB 1464

I support **HB 1464** to insure the transparency and fairness of homeowner community association boards.

W. Gary Johnson  
91-1321 Kaileolea Drive  
Ewa Beach, HI 96706  
808-265-1021  
[waikikigary@yahoo.com](mailto:waikikigary@yahoo.com)

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**From:** Scott J Bradshaw [cmihawaii@hawaiiantel.net]  
**Sent:** Wednesday, February 02, 2011 7:26 AM  
**To:** Rep. Kymberly Pine; HSGtestimony; Rep. Rida Cabanilla  
**Subject:** HB1464

I am in support of this important legislation introduced by Kymberly Pine!

I am in Hilo today on business and cannot be in attendance this morning for the hearing so I am submitting my testimony via email for your consideration.

As a resident of OceanPointe, I feel that this bill is not only important but necessary to ensure that the rights of all residents are clearly considered and taken into consideration when important decisions are made. I have expressed my frustration to my homeowner's association regarding the need to be "more-transparent" in the decisions made by the Board as well as the intimidating that has and does occur regarding the decisions made without success.

By passing HB1464, this will greatly assist homeowners by ensuring decisions made by the Board are necessary and are in the best interests of all residents and not just a select few.

Please feel free to contact me if you need any additional information or testimony.

Mahalo!

Scott J. Bradshaw  
Regional Manager  
Cambridge Management Inc.  
1015 N. School St.  
Honolulu, HI 96817  
(808) 343-1147

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 01, 2011 6:30 PM  
**To:** HSGtestimony  
**Cc:** prnlink@sbcglobal.net  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Kenneth Marchand  
Organization: Individual  
Address:  
Phone:  
E-mail: [prnlink@sbcglobal.net](mailto:prnlink@sbcglobal.net)  
Submitted on: 2/1/2011

Comments:  
Will cause most or all directors to resign from their respective boards.

**LATE TESTIMONY**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 01, 2011 5:59 PM  
**To:** HSGtestimony  
**Cc:** karjog@aol.com  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Karen Grafe  
Organization: Individual  
Address: 2619 S. Kihei Road A-202 Kihei, HI 96753  
Phone: 808 874-5625  
E-mail: [karjog@aol.com](mailto:karjog@aol.com)  
Submitted on: 2/1/2011

**Comments:**

This bill will destroy all associations as no one would choose to serve on the board. Harassment is usually one difficult owner toward the board not the other way around. Where is the protection for those who give their time and effort to serve?

**LATE TESTIMONY**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 01, 2011 5:13 PM  
**To:** HSGtestimony  
**Cc:** adkins.russell@gmail.com  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Russell Adkins  
Organization: Individual  
Address:  
Phone:  
E-mail: [adkins.russell@gmail.com](mailto:adkins.russell@gmail.com)  
Submitted on: 2/1/2011

**Comments:**

If this bill passes I will immediately resign as Treasurer of my AOA. I understand that you want to protect the public but holding Directors jointly and severally liable for the actions of other Directors is an obscene foul play by the government. I can't believe that you would even fathom this concept. AOAs are run on a volunteer basis and for our AOA it is hard enough to fill Director positions and now you want to hold Directors liable for actions of others. I tell you what; if you think this is appropriate then I want the Hawaii congress to be jointly and severally liable for all of the actions of your constituents. We should not be held accountable for the actions of those for which we cannot control.

**LATE TESTIMONY**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 02, 2011 2:12 AM  
**To:** HSGtestimony  
**Cc:** ourmauihome@aol.com  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: jack mannschreck  
Organization: Individual  
Address:  
Phone:  
E-mail: [ourmauihome@aol.com](mailto:ourmauihome@aol.com)  
Submitted on: 2/2/2011

Comments:

**LATE TESTIMONY**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 01, 2011 11:59 PM  
**To:** HSGtestimony  
**Cc:** dchaikin@mauiestateplanning.com  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Donald C. Chaikin  
Organization: Individual  
Address:  
Phone:  
E-mail: [dchaikin@mauiestateplanning.com](mailto:dchaikin@mauiestateplanning.com)  
Submitted on: 2/1/2011

Comments:

**LATE TESTIMONY**



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 01, 2011 9:23 PM  
**To:** HSGtestimony  
**Cc:** bevsbag@hotmail.com  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Bev Ford  
Organization: Individual  
Address: 3559 L. Honoapiilani Rd. Lahaina, Hi.  
Phone:  
E-mail: [bevsbag@hotmail.com](mailto:bevsbag@hotmail.com)  
Submitted on: 2/1/2011

Comments:  
You will lose a lot of experienced board members.

**LATE TESTIMONY**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 01, 2011 9:17 PM  
**To:** HSGtestimony  
**Cc:** artford2009@hotmail.com  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Art Ford  
Organization: Individual  
Address: 3559 L. Honoapiilani Rd Lahaina, Hi.  
Phone:  
E-mail: [artford2009@hotmail.com](mailto:artford2009@hotmail.com)  
Submitted on: 2/1/2011

Comments:  
Terrible idea. Every board member will immediately resign!

**LATE TESTIMONY**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 01, 2011 8:57 PM  
**To:** HSGtestimony  
**Cc:** kumars19@comcast.net  
**Subject:** Testimony for HB1464 on 2/2/2011 8:30:00 AM

Testimony for HSG 2/2/2011 8:30:00 AM HB1464

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Sandra Kumar  
Organization: Individual  
Address: Beaverton, Oregon 97006  
Phone:  
E-mail: [kumars19@comcast.net](mailto:kumars19@comcast.net)  
Submitted on: 2/1/2011

**Comments:**

I'm specifically opposed to the following item: "Every member of the board of directors shall be held jointly and severally liable for the harassment or intimidation of a member by any director." No single director or group of directors has absolute control over another director and expecting or assigning blame to the group would seem unjust.

**LATE TESTIMONY**

**From:**  
**Sent:** Tuesday, February 01, 2011 9:35 PM  
**To:** Rep. Kymberly Pine; Rep. Rida Cabanilla  
**Subject:** testimony regarding bill

# LATE TESTIMONY

Dear Rep Pine,

I have never submitted testimony before, I support the bill and have relayed my experiences in the following letter.

I will not appear in person, and would like someone to take a look at it, so that while I want to give testimony, I do not want to get into a problem with my building or the board. thank you.

Mrs Lau

HB 1464

HB 1464, also deals homeowner community associations and the lack of transparency by some homeowner community association boards in their decisions and actions and the lack of fairness by some of these boards in their treatment of their association members. The purpose of this bill – HB 1464 – is (1) to require homeowners community association boards to be open and transparent when making board decisions and carrying out board actions, (2) to prohibit association boards from harassing or intimidating association members, and (3) to prohibit board members from having financial conflicts of interest when they render board decisions or undertake board actions.

So please submit testimony as soon as possible for HB 1464 to insure the transparency and fairness of homeowner community association boards. This may include testimony about your personal experiences in dealing with these community association boards, as well as testimony on how this bill could help you.

I support Bill HB 1464.

I am a property owner of a number of condominiums and an owner occupant in a condo for over 30 years, Recently (in the past 5 years or so), owners have been prevented from reviewing documents. These are some of my experiences in condo living during the past 5 years.

1) I have requested management to allow me to review: records, quotes, the building ledger and engineering reports. I was stalled, given the run around and after 3 months I finally went to the Board who said I could get them but had to go thru the manager.

The manager supported by the Board of Directors refused to allow me to see the records until I signed a notarized statement that said "I would do no harm to the association with the information in the reports I reviewed and that I must pay for access if I reviewed the records for more than a certain amount of time."

I submitted that notarized statement and was told by the manager that I could not see the records and he would use the notarized statement as proof that he could bill me for seeing any records. When I protested, the manager told me he would call the police unless I left the office.

I refused to leave the office and he called the associations lawyer who told him to allow me to review the records.

When I reviewed the engineering reports, I found the the engineers specifically recommended against some expensive (2 million dollar) repairs that the manager was planning, I told the board what I discovered and suggested that they read the reports.

After finally reading the reports, They did not do the unnecessary work.

When I spoke with public officials about why I was having so much trouble getting access when in the past there was a very open policy, they did not know why.

2) Since then, I have experienced consistent and repeated blatant hostility by the manager.

3) I not longer attend meetings, avoid the manager and try to go escorted so if I meet the manger he will not harass me.

4) Another problem is that the board has made changes to the common elements that are unsafe and prevent me from using common elements. When I made anonymous (fear of additional harassment by the manager) reports to the Building Dept they (the building dept) did nothing.

5) Our swimming pool originally ( up until 2 years ago) had a plaster non slip bottom inside the pool (footings) which met the building code.

The Board tiled the pool with slippery glazed tiles that provide no traction when walking in the pool.

The pool no longer meets the building code. Any person who walks in the pool does so at their own risk. We petitioned the board when we heard it was being planned and tried to talk them out of tiling the pool. The manager was informed by the tile company not to use the slippery glazed tiles if it was to be used in a location that required a non slip surface. They installed the tile anyway and now owners who are concerned with slipping can not use that pool. Many of these people are elderly and would like to use the pool for exercise.

6) In the past when we noticed something that needed repair, we would notify the management office and it would be repaired quickly, however they feel that we are harassing the workers by mentioning the needed repairs and refuse to fix the problem because they are protected by the law that says no homeowner can give direction to any worker. For instance, the lock on the gate to the swimming pool was broken allowing the pool gate to swing open and allowing kids to have access by pushing on the gate. I reported it to the manager almost daily for 6 weeks before it was repaired. They repaired it the day after I said the whole building would be held liable if a child drowned.

7) I live in fear of the manager. The board of directors vote themselves in year after year but do not monitor the managers activities and behavior.

If there is anything that could be done to have more transparency and give owners the right to look at documents etc, and more information that would be very helpful.

Thank You

Mrs. Lau

**LATE TESTIMONY**

**John Gollner**

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**From:** Carol Wharton-Cordeiro [whar-cor44@hawaii.rr.com]  
**Sent:** Tuesday, February 01, 2011 6:11 PM  
**To:** Rep. Kymberly Pine  
**Subject:** New Bill HB1464

To Whom it may concern. I Carol Wharton-Cordeiro am all for the new bill to be submitted on Wed. Feb. 2nd. at the State Capitol. I am all for it to pass. I would like this bill to take effect so that this problem will never come our way again. I want to know everything that goes on in my Association before it happens and not after the fact.

Carol Wharton-Cordeiro  
91-1036 Pii Pii St.,  
Ewa Beach, Hawaii 96706-1832  
808-685-1682.

**LATE TESTIMONY**

**John Gollner**

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**From:** Rudy [rudycordeiro34@hotmail.com]  
**Sent:** Tuesday, February 01, 2011 6:16 PM  
**To:** Rep. Kymberly Pine  
**Subject:** HB1464

I Rudolph Cordeiro fully support bill HB1464.

Rudolph J Cordeiro  
91-1036 PiiPii St.  
Ewa Beach Hawaii 96706

**LATE TESTIMONY**

**John Gollner**

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**From:** GJTOR@aol.com  
**Sent:** Tuesday, February 01, 2011 8:58 PM  
**To:** Rep. Kymberly Pine  
**Subject:** HB 1464

My husband and myself fully support HB1464. We are owners of a home in the Carriages at Ewa By Gentry which was affected by the issue with the association which prompted this bill. Thank you for your assistance in this matter and our future as residents in this subdivision.

Gilberto and Jacqueline Torres

**LATE TESTIMONY**



**John Gollner**

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**From:** Theresa Dunnington [dunningtonm@hawaii.rr.com]  
**Sent:** Tuesday, February 01, 2011 9:02 PM  
**To:** Rep. Kymberly Pine  
**Subject:** RE: URGENT - ACTION ALERT: HB1464 (PLANNED COMMUNITY ASSOCIATIONS)  
HEARING WED 02-02-11, 8:30AM

Representative Pine,

I am not able to attend this hearing on 2/2/11. Please accept this email as my support for HB 1464. I am a homeowner in which we have to pay association dues to Gentry. There are many rules that are enforced upon the homeowners. However, the Gentry board made decisions without notifying the homeowners, ignoring the homeowners and not giving them a chance to express their feelings, concerns or opinions until after the fact.

Theresa M Dunnington  
91-173 Makalea St  
Ewa Beach HI 96706

home (808)685-2629

**LATE TESTIMONY**

**John Gollner**

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**From:** Roger Dunnington [rwdunnington@hawaii.rr.com]  
**Sent:** Tuesday, February 01, 2011 9:19 PM  
**To:** Rep. Kymberly Pine  
**Cc:** Theresa Home  
**Subject:** Response

Ms Pine,

I have lived in Gentry for 10 years. The Association has NEVER given proper notification of ANYTHING the board has secretly passed which EVERYONE who actually pays dues APOSES. Please accept this email as my SUPPORT for HB1464 because if it becomes a law, they can't suppress at least one of our freedoms. Keep up the good work.

Roger W. Dunnington  
Chief Petty Officer, USN (RET)  
Ewa Beach, Hi

**LATE TESTIMONY**

## Rep. Rida Cabanilla

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**From:** John Gollner on behalf of Rep. Kymberly Pine  
**Sent:** Wednesday, February 02, 2011 8:34 AM  
**To:** Rep. Rida Cabanilla; HSGtestimony  
**Subject:** FW: House Bill #1464

### Late Testimony.

Semper Fidelis,  
*John Kane Gollner*

Admin Services Manager,  
Representative Kymberly Marcos Pine  
Tel. 808-586-6516  
Cell 808-256-6425  
Fax 808-586-9738  
[gollner@capitol.hawaii.gov](mailto:gollner@capitol.hawaii.gov)



# LATE TESTIMONY

*"The most IMPORTANT thing, is NOT to be  
DEFEATED; to forge ahead BRAVELY. If we  
do this, a path will OPEN up before us"*

*-Daisaku Ikeda*

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**From:** N. Hanaoka [<mailto:nanc@hawaii.rr.com>]  
**Sent:** Wednesday, February 02, 2011 12:33 AM  
**To:** Rep. Kymberly Pine  
**Cc:** [nanc@hawaii.rr.com](mailto:nanc@hawaii.rr.com)  
**Subject:** House Bill #1464

I, Nancy E. Hanaoka, resident/owner of the home at 91-1000 Noholike Street, Ewa Beach, HI, would like to submit my testimony to the Committee on Housing with reference to Measure Number 1464 which is being heard on Wednesday, February 02, 2011 in the State Capitol Conference Room #325.

I am in support of house bill #1464 which protects homeowner's from neighborhood associations. This bill seeks to protect the rights of association members by requiring board decisions and actions be as open and transparent as possible.

Respectfully submitted,

Nancy E. Hanaoka  
91-1000 Noholike Street  
Ewa Beach. HI 96706