

**LATE**

Testimony for CPN 2/22/2012 9:00:00 AM SB2284

Conference room: 229  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Eric M. Matsumoto  
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Comments:

This bill is flawed on a number of levels: SECTION 1: The phrase "for a reasonable fee" on line 10 is too vague. For example, one of the State's Department charges \$1.00 per page. Is this amount considered reasonable? MTA posts its documents online, with the exception of the financials, and there are other PCAs that do the same. So, is this bill intended to legislate for the State a problem affecting one or two individuals in one or two associations? Legislation for the 99 percent caused by the 1 percent? SECTION 2: First, Page 2, line 14 is too vague as pointed out in SECTION 1 comments. Second, Page 4, line 3-6 assumes minimal cost, however, for the perspective buyers and agents, the impact of the accuracy of the documents is significantly greater and there are costs involved in certifying the accuracy for the purpose of sales. As such, review of the documents or receiving documents for a reasonable fee gives an incorrect perception when trying to use them for the sale of property when attained as cited in the bill, especially if the agent is attempting to evade paying for the higher level assurance. Request this bill be held.

LATE

**Aloha Honorable Senators,**

A major problem SB 2284 fails to correct is that in a mixed development project, the Owners Association need only provide the address of the time share association (and not individual addresses of time share owners) and there is no obligation whatsoever for the time share association, upon receiving a communication from a whole unit owner, for instance, to pass that communication on to time share owners even in connection with an election of directors or any other matter coming up for a vote. **SB 514 B-153 (f) should be amended to provide that a timeshare association, upon receiving a communication from a non-time share owner (in that complex) shall immediately provide that communication to ALL owners the time share association represents.**

Absent such a requirement there is no way an owner not a part of the time share association (e.g. a whole unit owner) can communicate with the time share owners on matters of common interest to all owners of the overall association.

I presently own a timeshare and manage whole unit owners vacation rental units in a complex on Maui (144 timeshare units and 52 whole owners) where the timeshare developer has had complete control of both Boards for over 15 years and does not pass any communication on to either the whole or timeshare owners which prevents a fair means of communication...much less a fair election!

Please amend the Bill as requested above so that fair communication and elections can be fairly achieved at such mixed use developments...there are numerous mixed use developments on all islands (on West Maui just to name a few...The Whaler, The Ritz Residences at Kapalua, Papakea, Sands of Kahana, Valley Isle, Hololani...etc...).

Sincerely, Pat



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