

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 11:19 AM  
**To:** HSGtestimony  
**Cc:** oneald003@hawaii.rr.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: David O'Neal  
Organization: Individual  
Address:  
Phone:  
E-mail: [oneald003@hawaii.rr.com](mailto:oneald003@hawaii.rr.com)  
Submitted on: 3/15/2011

Comments:

Condo Associations are private entities, and information relating to their Association meetings is for Association members only. A video recording has the potential to be edited, changed, posted in a public domain, such as on the internet, and can end up causing more harm than good to an Association. Many Associations struggle to get volunteers to serve on their Boards, and having a video camera recording their every move will make it even more difficult as many homeowners would not be comfortable being taped. Minutes to every Association meeting is available to every Association member, so there is nothing gained by video taping these meetings. I urge you to not pass this bill. Thank you for your time.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 14, 2011 6:09 PM  
**To:** HSGtestimony  
**Cc:** czahn@hawaii.rr.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM  
**Attachments:** Proposed Amendment to S.B. 750.doc

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Charles Zahn  
Organization: Individual  
Address:  
Phone:  
E-mail: [czahn@hawaii.rr.com](mailto:czahn@hawaii.rr.com)  
Submitted on: 3/14/2011

**Comments:**

Fully support SB750 and have included a proposed amendment to SB 750 adding the same language to HRS 421-J.

Proposed Amendment to S.B. 750  
Addition of Section 421J-5 subsection (h)

**Add the following to S.B.NO. 750.**

1. Section 4. Section 421J-5, Hawaii Revised Statutes, is
2. amended to read as follows:
3. "**§421J-5 Meetings of the board of directors; committee or**
4. **subcommittee.** (a) All meetings of the board of
5. directors, other than executive sessions, shall be open to
6. all members to provide input on the matters being
7. discussed. Members who are not on the board of directors
8. may participate in any deliberation or discussion, other
9. than during executive sessions, unless a majority of a
10. quorum of the board of directors votes otherwise.
11. (b) The board of directors shall meet at least once each
12. year.
13. (c) The board of directors, with the approval of a
14. majority of a quorum of its members, may adjourn any
15. meeting and reconvene in executive session to discuss and
16. vote upon matters concerning personnel, litigation in which
17. the association is or may become involved, or as may be
18. necessary to protect the attorney-client privilege of the
19. association. The general nature of any business to be
20. considered in executive session shall be first announced in
21. the regular session.
22. (d) No board member shall vote by proxy at board

1. meetings.

2. (e) A director who has a conflict of interest on any  
3. issue before the board shall disclose the nature of the  
4. conflict of interest prior to a vote on that issue at the  
5. board meeting, and the minutes of the meeting shall record  
6. the fact that a disclosure was made.

7. (f) The board may appoint committees or subcommittees to  
8. review and consider any specific matters, and may alter or  
9. eliminate the committees or subcommittees; provided that  
10. the board in the minutes of the meeting at which the action  
11. was taken to appoint the committee or subcommittee shall:

12. (1) Report that the committee or subcommittee was  
13. appointed;

14. (2) Identify the members of the committee or  
15. subcommittee; and

16. (3) Describe the matter that the committee or  
17. subcommittee is to review and consider.

18. (g) Minutes of the meetings of the board of directors  
19. shall include the recorded vote of each board member  
20. present on all motions except motions voted upon in  
21. executive session.

1. (h) Association members may record meetings of the  
2. association or the board of directors, other than executive  
3. sessions, by video or other electronic means; provided  
4. that:

5. (1) Association bylaws do not prohibit the  
6. recording of meetings;

7. (2) The board of directors is notified of a  
8. member's intent to record the meeting prior to  
9. Commencement of recording; and

10. (3) The recording is made for the private personal  
11. use of the member making the recording or  
12. another association member.

13. (4) A recording made by the board of directors  
14. shall be the official audio record of the  
15. meeting and shall be made available upon the  
16. request to any member of the association for  
17. the personal use of the member"

18. SECTION ~~[4]~~5. Statutory material to be repealed is  
19. bracketed and stricken. New statutory material is  
20. underscored.

21. SECTION ~~[5]~~6. This Act shall take effect upon its approval.

**Report Title:**

Condominiums; Association Meetings; Audio Recording

**Description:**

Permits members of condominium associations to make audio recordings of association meetings for personal use or use of another member with prior notice to the board; provided that the bylaws of the association do not prohibit such recording; specifies that an audio recording made by the board is the official audio record of the meeting and shall be made available to members upon request. Effective upon approval.  
7/1/2050. (SD1) (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:35 PM  
**To:** HSGtestimony  
**Cc:** larissamjohnson@gmail.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Larissa Johnson  
Organization: Individual  
Address:  
Phone:  
E-mail: [larissamjohnson@gmail.com](mailto:larissamjohnson@gmail.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:26 PM  
**To:** HSGtestimony  
**Cc:** tracycastro@gmail.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Tracy  
Organization: Individual  
Address:  
Phone:  
E-mail: [tracycastro@gmail.com](mailto:tracycastro@gmail.com)  
Submitted on: 3/15/2011

Comments:



---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:22 PM  
**To:** HSGtestimony  
**Cc:** ikaika@certifiedhawaii.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Ikaika Pestana  
Organization: Individual  
Address:  
Phone:  
E-mail: [ikaika@certifiedhawaii.com](mailto:ikaika@certifiedhawaii.com)  
Submitted on: 3/15/2011

**Comments:**

I work for many condo associations as their manager and I oppose this bill because it would hurt the Board of Directors ability to have open and honest discussion about important decisions affecting condo owners. If a recording is being made of a meeting, Directors may be less inclined to speak out or put forward opposing ideas because they're afraid the recordings will be used against them at a later date.

If an owner wants to know what's going on at a meeting then they should take the time to show up. All the Boards I work with are very open to having owners attend their meetings and actually welcome it. But they're very afraid of the liability their unpaid position puts upon them and would definitely contribute less to the meetings if their statements are being recorded.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:22 PM  
**To:** HSGtestimony  
**Cc:** brenda@certifiedhawaii.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Brenda L. LeClair  
Organization: Individual  
Address:  
Phone:  
E-mail: [brenda@certifiedhawaii.com](mailto:brenda@certifiedhawaii.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:17 PM  
**To:** HSGtestimony  
**Cc:** douglas@certifiedhawaii.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Douglas Lefler  
Organization: Certified Management, Inc.  
Address:  
Phone:  
E-mail: [douglas@certifiedhawaii.com](mailto:douglas@certifiedhawaii.com)  
Submitted on: 3/15/2011

Comments:  
I manage 7 HOA and AOA0 associations on Maui.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:17 PM  
**To:** HSGtestimony  
**Cc:** bob@certifiedhawaii.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Robert Wilson  
Organization: Individual  
Address:  
Phone:  
E-mail: [bob@certifiedhawaii.com](mailto:bob@certifiedhawaii.com)  
Submitted on: 3/15/2011

Comments:  
This would be bad news for homeowner associations!

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:17 PM  
**To:** HSGtestimony  
**Cc:** dani@certifiedhawaii.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: dani  
Organization: certified managment  
Address:  
Phone:  
E-mail: [dani@certifiedhawaii.com](mailto:dani@certifiedhawaii.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:16 PM  
**To:** HSGtestimony  
**Cc:** karen@certifiedhawaii.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Karen Unger  
Organization:  
Address:  
Phone:  
E-mail: [karen@certifiedhawaii.com](mailto:karen@certifiedhawaii.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:14 PM  
**To:** HSGtestimony  
**Cc:** brent@tree-fort.net  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Brent Dolan  
Organization: Individual  
Address;  
Phone:  
E-mail: [brent@tree-fort.net](mailto:brent@tree-fort.net)  
Submitted on: 3/15/2011

Comments:  
Do not like that it requires bylaw amendment to prohibit. Would rather see only a rule change to prohibit.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:15 PM  
**To:** HSGtestimony  
**Cc:** bruceh@hmcmtg.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Bruce Howe  
Organization: Individual  
Address:  
Phone:  
E-mail: [bruceh@hmcmtg.com](mailto:bruceh@hmcmtg.com)  
Submitted on: 3/15/2011

**Comments:**

This bill opens meetings up to youtube ridicule with edited versions of the content. Only one official recording not subject to edit should be allowed if any is. Associations should be able to prohibit recording by rule not By-law.



---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:13 PM  
**To:** HSGtestimony  
**Cc:** KananiK@CertifiedHawaii.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Kanani Kaopua, CMCA  
Organization: Certified Management, Inc.  
Address:  
Phone:  
E-mail: [KananiK@CertifiedHawaii.com](mailto:KananiK@CertifiedHawaii.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:13 PM  
**To:** HSGtestimony  
**Cc:** lisab@certifiedhawaii.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Lisa Bortle  
Organization: Individual  
Address:  
Phone:  
E-mail: [lisab@certifiedhawaii.com](mailto:lisab@certifiedhawaii.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:08 PM  
**To:** HSGtestimony  
**Cc:** kanani@certifiedhawaii.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Kanani Kealoha Faleafine  
Organization: Individual  
Address:  
Phone:  
E-mail: [kanani@certifiedhawaii.com](mailto:kanani@certifiedhawaii.com)  
Submitted on: 3/15/2011

**Comments:**

The board and / or the Association should be allowed to creat Meeting rules that either allow or disallow this practice. It should not be a blanket rule that forces this rule on all Associations

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:01 PM  
**To:** HSGtestimony  
**Cc:** rglanstein@gmail.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Rachel Glanstein  
Organization: Individual  
Address:  
Phone:  
E-mail: [rglanstein@gmail.com](mailto:rglanstein@gmail.com)  
Submitted on: 3/15/2011

Comments:

Please don't let this go through. As an owner of a condo apartment, I would be very upset if someone was allowed to tape-record the meeting without getting permission of the group. I would be much less likely to speak my mind if I knew that I would be recorded verbatim. In addition, the recording could be altered by the individual who recorded it to corrupt anything said. My condo has a standing rule that prohibits recordings unless first approved by the membership present - this allows for recording to occur as long as a majority want it - which is the way it should be. Mahalo.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:40 PM  
**To:** HSGtestimony  
**Cc:** wscnkona@gmail.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Wanda Carey  
Organization: Individual  
Address:  
Phone:  
E-mail: [wscnkona@gmail.com](mailto:wscnkona@gmail.com)  
Submitted on: 3/15/2011

**Comments:**

This appears to be a very bad bill. Please do not pass it. Aloha Wanda Carey

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:40 PM  
**To:** HSGtestimony  
**Cc:** koreilly9@gmail.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Kathleen O'Reilly  
Organization: Individual  
Address:  
Phone:  
E-mail: [koreilly9@gmail.com](mailto:koreilly9@gmail.com)  
Submitted on: 3/15/2011

**Comments:**

The state needs stop trying to regulate AO boards and their by-laws. Owners elect a board to govern and if owners do not like their current board, vote them out. Each individual owner has a voice, they just need to present this proposal to their board for a vote and ask to have it it added to the by-laws. Geez, doesn't the state have more problems to deal with then getting involved with AO policies?!?

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:46 PM  
**To:** HSGtestimony  
**Cc:** sharon.s.kokubun@hawaii.gov  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Sharon S. Kokubun  
Organization: Individual  
Address:  
Phone:  
E-mail: [sharon.s.kokubun@hawaii.gov](mailto:sharon.s.kokubun@hawaii.gov)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:53 PM  
**To:** HSGtestimony  
**Cc:** duncan@certifiedhawaii.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Duncan Graham  
Organization: Individual  
Address:  
Phone:  
E-mail: [duncan@certifiedhawaii.com](mailto:duncan@certifiedhawaii.com)  
Submitted on: 3/15/2011

Comments:



---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:55 PM  
**To:** HSGtestimony  
**Cc:** hamiltond008@hawaii.rr.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Dale Hamilton  
Organization: Kailua Bay Resort  
Address:  
Phone:  
E-mail: [hamiltond008@hawaii.rr.com](mailto:hamiltond008@hawaii.rr.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 3:07 PM  
**To:** HSGtestimony  
**Cc:** rharris@hawaiiantel.net  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Dr. Richard L Harris  
Organization: Individual  
Address:  
Phone:  
E-mail: [rharris@hawaiiantel.net](mailto:rharris@hawaiiantel.net)  
Submitted on: 3/15/2011

Comments:

As the president of the board of a homeowners association on the Big Island, I am totally opposed to audio/video recordings of board and annual meetings. There is no need for these recordings and the potential for abusing the use of them is too great. At the very least it should be up to the board of directors to approve or disapprove recordings and giving the board the authority to approve/disapprove should not require a By Laws amendment. The requirements for By Laws amendments in Hawai'i are such that it is nearly impossible for any association to amend their By-Laws. The State Legislature has created a dysfunctional body of Condominium law, which badly needs to be reformed.

Thank you

Richard L Harris, PhD  
President of the Board of Directors  
17th Fairway Villas at Waikoloa AOA

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 3:04 PM  
**To:** HSGtestimony  
**Cc:** sb750@smoky.tikasys.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Dixon Hutchinson  
Organization: Individual  
Address:  
Phone:  
E-mail: [sb750@smoky.tikasys.com](mailto:sb750@smoky.tikasys.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:59 PM  
**To:** HSGtestimony  
**Cc:** barrfrancis@cs.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Barrett Francis  
Organization: AOA Kailua Bay Resort  
Address:  
Phone:  
E-mail: [barrfrancis@cs.com](mailto:barrfrancis@cs.com)  
Submitted on: 3/15/2011

**Comments:**

This proposal would hamper the ordinary free discussions of association boards. At minimum, I recommend that the bill be amended to allow boards to opt out of this rule by adoption of a house rule. House rules are published and would put all owners on notice. The present requirement of requiring an amendment to the association ByLaws to opt out is onerous and expensive.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 3:02 PM  
**To:** HSGtestimony  
**Cc:** barrfrancis@cs.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Barrett Francis  
Organization: AOA0 Paniolo Gardens  
Address:  
Phone:  
E-mail: [barrfrancis@cs.com](mailto:barrfrancis@cs.com)  
Submitted on: 3/15/2011

Comments:

This proposal would hamper the ordinary free discussions of association boards. At minimum, I recommend that the bill be amended to allow boards to opt out of this rule by adoption of a house rule. House rules are published and would put all owners on notice. The present requirement of requiring an amendment to the association ByLaws to opt out is onerous and expensive.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 3:21 PM  
**To:** HSGtestimony  
**Cc:** preim@earthlink.net  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Paul Reim  
Organization: Elima Lani AOA  
Address:  
Phone:  
E-mail: [preim@earthlink.net](mailto:preim@earthlink.net)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 3:20 PM  
**To:** HSGtestimony  
**Cc:** jferd@aol.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: James R. Ferdinand  
Organization: Individual  
Address:  
Phone:  
E-mail: [jferd@aol.com](mailto:jferd@aol.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 3:42 PM  
**To:** HSGtestimony  
**Cc:** les@certifiedhawaii.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: L fernandez  
Organization: Individual  
Address:  
Phone:  
E-mail: [les@certifiedhawaii.com](mailto:les@certifiedhawaii.com)  
Submitted on: 3/15/2011

Comments:



---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 3:34 PM  
**To:** HSGtestimony  
**Cc:** sidefx6@msn.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Eric J Brown  
Organization: Kuahelani Apartments board secretary  
Address:  
Phone:  
E-mail: [sidefx6@msn.com](mailto:sidefx6@msn.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 3:30 PM  
**To:** HSGtestimony  
**Cc:** flyinbob@hotmail.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Robert Raben  
Organization:  
Address:  
Phone:  
E-mail: [flyinbob@hotmail.com](mailto:flyinbob@hotmail.com)  
Submitted on: 3/15/2011

**Comments:**

This bill will create havoc with Homeowner Associations and will introduce continuous problems with edited or fraudulent recordings.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 3:28 PM  
**To:** HSGtestimony  
**Cc:** kona623@aol.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: loren barber  
Organization: Individual  
Address:  
Phone:  
E-mail: [kona623@aol.com](mailto:kona623@aol.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:26 PM  
**To:** HSGtestimony  
**Cc:** cingrida@hotmail.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: comments only  
Testifier will be present: No  
Submitted by: Ingrida Couto  
Organization: Individual  
Address:  
Phone:  
E-mail: [cingrida@hotmail.com](mailto:cingrida@hotmail.com)  
Submitted on: 3/15/2011

**Comments:**

To allow individuals to record meeting to use for their personal use seems unfair. It is also unfair to force a board to allow this and make them amend their bylaws if they don't want to allow it.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:36 PM  
**To:** HSGtestimony  
**Cc:** parrington@fortisgc.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Patrick Arrington  
Organization: Individual  
Address:  
Phone:  
E-mail: [parrington@fortisgc.com](mailto:parrington@fortisgc.com)  
Submitted on: 3/15/2011

Comments:

Ceertified Management Inc., which manages our association is leading a charge against audio recordings of ass'n meetings and is lobbying all its members to oppose. I, for one, think it is an excellent idea, and people should not be able to opt out by a Bylaw amendment.



Mililani Town Association

95-303 Kaloapau Street  
Mililani Town, HI 96789  
Phone (808) 623-7300

March 14, 2011

Representative Rida Cabanilla, Chair  
Representative Pono Chong, Vice-Chair  
Committee on Housing  
State Capitol  
Honolulu, HI 96813

VIA E-Mail: [HSGtestimony@capitol.hawaii.gov](mailto:HSGtestimony@capitol.hawaii.gov)

Re: S.B. No. 750 SD 1/OPPOSE – Relating to Condominiums  
Hearing: Wednesday, March 16, 2011, 9:00am Conf Room 325

Dear Chair Cabanilla, Vice-Chair Chong and Committee Members:

My name is Eric Matsumoto, Vice-President of the Mililani Town Association (MTA). I have served in MTA leadership capacities on the board for 25 of the last 32 years. MTA encompasses approximately 16,000 units in both single family residences and numerous townhouse project sub-associations.

We strongly oppose this measure to allow taping/recording of meetings of the association whether board, executive, etc. by a member for personal use as follows:

Page 1, Section 2, 514A-83.1(c)(1)-(3): First, the language is unclear as to what kind of taping/recording is being intended, with the words "...by audio tape or other electronic means...." If only audio recording are intended, it needs to be clear. As such, taping/recording always includes unintended recordings of voices, images, etc. that become part of that tape. There is no way taping of meetings would guarantee that any of the information contained therein would not get into the public domain, such as Utube, etc. regardless of the provisions contained in the measure regarding personal use. It leaves the door open to personal liability of persons whose voices and images are recorded on the tapes, as well as association liability. Further, tapes do get edited, and there are no controls preventing these actions if the tapes belong to homeowners, and even with provisions, there is no guarantee copies would not get edited and distributed. Insurance rates are high in the first place, and this will only drive up the cost for association homeowners living in associations. Not taking into consideration the huge liability insurance costs paid today, this measure erodes the ability to control costs for these property regimes created by the legislature.

Page 1, Section 2, 514A-83.1(c)(4): Any recordings by the Board of Directors, if so inclined, must not be mandated to provide a copy since the tape still would be open to editing. While a transcription of the tape may be the prudent approach, it needs to be emphasized that it is not the discussions of business that needs to be reported, but rather only the decision for record purposes. If recordings are mandated for the business discussions, it contradicts the provisions of Roberts Rules of Order for what is maintained in minutes. There cannot be two official reports of board meetings, one being a tape of all that was said on business items and one signed by the Secretary showing only what was done, thereby allowing chaos to reign, while leaving the association wide open to litigation.

Page 4, Section 3, 514B-128(d)(1)-(4): Comments above apply to the respective counterparts in this cite.

**What the above points out is that there will always be a huge potential for liability that associations, effectively the homeowners, must bear if this measure passes, and for whose and what gain? Who pays for any increased insurance premiums and covers cost of any litigation brought against the association resulting from any of the above concerns? Associations were created for the members as a whole, and not the individual member.**

**Based on the above, we strongly request this bill be deferred. Resolution of these kinds of issues are best left for each association to decide vice having one legislated process for every AOA in the state, as the one size fits all solution.**

Sincerely yours,



**Eric M. Matsumoto  
Vice-President, Board of Directors**

**Cc: Sen Kidani, Rep Lee, Rep Yamane**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 12:46 PM  
**To:** HSGtestimony  
**Cc:** steveghi@gmail.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Steve Glanstein  
Organization: Management Information Consultants  
Address:  
Phone:  
E-mail: [steveghi@gmail.com](mailto:steveghi@gmail.com)  
Submitted on: 3/15/2011

Comments:

Minutes are official action, not a transcript of the proceedings. This has been the case since at least 1876. If you're going to micromanage associations, at least let them keep their rules in place that most of them have adopted unanimously.



---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 5:19 PM  
**To:** HSGtestimony  
**Cc:** lorraineh@hawaii.rr.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: lorraine Highkin  
Organization: Individual  
Address:  
Phone:  
E-mail: [lorraineh@hawaii.rr.com](mailto:lorraineh@hawaii.rr.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 4:16 PM  
**To:** HSGtestimony  
**Cc:** wagemom@yahoo.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: mary wagner  
Organization: Individual  
Address:  
Phone:  
E-mail: [wagemom@yahoo.com](mailto:wagemom@yahoo.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 4:13 PM  
**To:** HSGtestimony  
**Cc:** bioplylar@aol.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Ronald Plylar  
Organization:  
Address:  
Phone:  
E-mail: [bioplylar@aol.com](mailto:bioplylar@aol.com)  
Submitted on: 3/15/2011

**Comments:**

As the president of the Kolea Owners Association on the Big Island, our organization is opposed to allowing the taping and audio recording of association meetings.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 4:34 PM  
**To:** HSGtestimony  
**Cc:** kjohnson1701@hawaii.rr.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Kevin Johnson  
Organization: Individual  
Address:  
Phone:  
E-mail: [kjohnson1701@hawaii.rr.com](mailto:kjohnson1701@hawaii.rr.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 4:53 PM  
**To:** HSGtestimony  
**Cc:** sharonkeating@hawaii.rr.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Sharon Keating  
Organization: Individual  
Address:  
Phone:  
E-mail: [sharonkeating@hawaii.rr.com](mailto:sharonkeating@hawaii.rr.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 5:45 PM  
**To:** HSGtestimony  
**Cc:** ken.colucci@gmail.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Ken Colucci  
Organization: Individual  
Address:  
Phone:  
E-mail: [ken.colucci@gmail.com](mailto:ken.colucci@gmail.com)  
Submitted on: 3/15/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 5:26 PM  
**To:** HSGtestimony  
**Cc:** kohuts@hotmail.com  
**Subject:** Testimony for SB750 on 3/16/2011 9:00:00 AM

Testimony for HSG 3/16/2011 9:00:00 AM SB750

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Soni Kohut  
Organization: Individual  
Address:  
Phone:  
E-mail: [kohuts@hotmail.com](mailto:kohuts@hotmail.com)  
Submitted on: 3/15/2011

Comments:

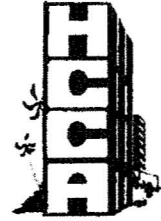


**Hawaii Council of Associations  
of Apartment Owners**  
**DBA: Hawaii Council of Community Associations**

P.O. Box 726, Aiea, HI, 96701

P.O. Box 726, Aiea, HI, 96701

Tel: 485-8282 Fax: 485-8288 HCAAO@hawaii.rr.com



March 15, 2011

Rep. Rida Cabanilla, Chair  
Rep. Pono Chong, Vice-Chair  
House Committee on Housing

Re: SB 750 SD1 Relating to Condominiums [electronic recording]  
Hearing: Wed., March 16, 2011, 9 a.m., Conf. Rm. #325

Chair Cabanilla, Vice-Chair Chong and Members of the Committee:

I am Jane Sugimura, President of the Hawaii Council of Associations of Apartment Owners (HCAAO).

HCAAO supports transparency in condominium governance. While I have reservations regarding this particular bill, my Board does not support passage of this bill.

We have concerns relating to this bill as follows:

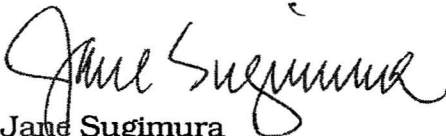
- In section 1 of the bill, a condominium meeting is described as a “public meeting”, which it is not. There are limitations on who can attend and who can participate. Only unit owners and guests invited by the Board are allowed to attend regular board meetings and the annual association meetings and unit owners are limited by statute as to the extent of their participation at those meetings.
- Many boards record meetings to prepare meeting minutes. If this bill passes allowing owners to make their own tape of the meeting, the board’s recording should be deemed to be the “official record” of the meeting in the event of any dispute.
- At regular board meetings, unit owners who wish to speak are usually required to give their name and their unit number so that that information can be noted in the meeting minutes. Also, during the



meeting discussions, mention is regularly made regarding issues as it affects specific units and their owners. The names of unit owners and their unit numbers are covered by State and federal privacy laws and this bill needs to exempt the Board from any liability if that information is not properly disseminated or disposed of. Technological advances allow recordings to appear on You-Tube and Facebook within hours of their recording and unit owners who record the meetings and who allow privacy information to be so disseminated must be legally accountable to any unit owner for violation of their privacy rights under state and federal laws.

Finally, there is nothing to prevent unit owners and the Board from agreeing to certain rules, procedures or protocols that would allow unit owners to tape a meeting for their own personal reasons subject to any existing state or federal privacy laws.

Thank you for the opportunity to testify.

  
Jane Sugimura  
President