

Welcome 2023



“Helping To Build Stronger Community Associations on Maui”

Message from the President

Dear Members and Sponsors,

During the pandemic, we received many emails and calls asking, “What is the role of a board member?”, “What does the property management company do for us?”. The first quarter seminars are answering these questions! February’s seminar was on where to find the rules that govern and what is the role of the board. March’s seminar is on the financial obligations of a board, and the last seminar of the board training series in April, with a management company to educate on their duties.

Upcoming events this year will be a mixer. A mixer, like a Pau Hana, gives us time to chat and mingle with our Platinum sponsors. Also don’t forget about our summer program! Hot Topics will be held by Tom Boomer, our Director Emeritus.

Before the pandemic, the Community Council Board invited non-profits to each seminar to support our community. This year we want to show our support again and will be inviting a non-profit to each seminar. Please take a moment to stop by their table and see what services they provide in Maui County.

We look forward to seeing you in person!

Sincerely,

Lisa Cano



Board of Directors

2023 CCM BOARD OF DIRECTORS

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SAVE *the* DATE

2023 Seminar Dates

April 21

October 6

September 8

November 17

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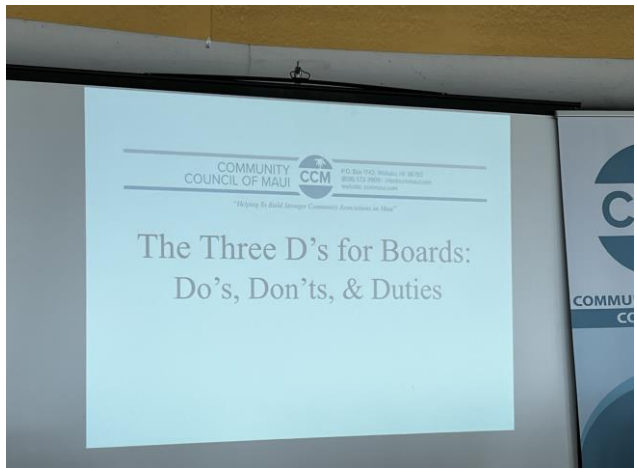
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Summer Hot Topics

TO BE ANNOUNCED!





541B –135 sections

- 514B.143 – insurance – mandate ho6 – must opt in
- 514B.143 – how to handle the master policy deductible
- 514B.138 - high risk inspection
- 514B.132 – states requirements of the managing agent
- 514B.104 – spells out specific Association powers
- 514B.106 –adds definition of fiduciary duty

New to Your Condo or Community Board?

Information & Tips for Productivity and Success!

Are you a newly-elected director on a condo or community association board? Here are some simple tips for successful and productive service to your association.

Always Be Prepared. The board meeting is your opportunity to make decisions on issues that pertain to your property, so it is important that you be prepared for those meetings.

Become familiar with your association's documents. To begin with, you should familiarize yourself with your association's documents - the articles, bylaws and CC&R's, which stand for Covenants, Conditions and Restrictions. These documents are like the "constitution" of your property, and all board actions must be in line with these important documents.

Read Your Board Packet. About one week before every meeting, your managing agent will mail a board meeting packet to the board members and on-site building manager. Please take the time to read the material, take some notes on the issues, and be ready to discuss and vote on issues at the meeting.

What Happens at the Meeting? The board meeting is for information dissemination and discussion, and will normally include discussion of the previous meeting's minutes, monthly financials, committee and building manager reports, unfinished and new business, and executive session items which pertain to delinquencies, legal and personnel matters, and on occasion contracts.



Decision Making: The board makes decisions and establishes policies, while your management team (your on-site manager and managing agent) will implement your decisions. It's important to remember that you, as a director, also have an important fiduciary responsibility to do what is in the best interest of the association, meaning all of the owners. Other than the monthly board meeting, the board is not involved in day-to-day implementation of your decisions—the on-site manager and managing agent will take care of that for you.

Importance of Meeting Attendance: Board meeting attendance is important, and you will need a specific number of board members to reach a quorum. If you do not have a quorum, no business can be conducted, thus the meeting is postponed to another date.

The Role of Your Managing Agent: Your managing agent will provide your property with a management executive who will serve as a valuable resource. His or her job is to help guide the board to make decisions that are in the best interest of the property and all of its owners. Your management executive is there to provide information on any pertinent property issues, past practices or decisions of the board. He or she can offer an objective perspective, which can assist the board's analysis of the issue at hand. Working on behalf of the board, the management executive encourages the board to think not only about obvious items, but also about things that are not readily apparent, or may occur before they make a decision. In every respect, your management executive is intent on helping the board be successful. If he or she offers a different point-of-view from

you or another board member, it is only for the purpose of giving you additional information to consider, and assist the board to make the best decision possible. Any decisions, however, are ultimately made by the board of directors.

Educate Yourself. Professional organizations like the Community Council of Maui (CCM) and the Community Associations Institute (CAI) provide classes and seminars to help board members understand their responsibilities and successfully carry out their duties. Your managing agent may also hold educational seminars as a service to board members.

*Article contributed by
Hawaiiana Management
Company, Ltd.*



Hawaiiana is Maui's #1 Management Company



Doug Lefler, CMCA
Vice President,
Maui Operations

Hawaiiana Management Company, Ltd. currently serves 108 properties on Maui, Lanai and Molokai. Maui County clients include Andaz Wailea Hotel, Aina Nalu, Sugar Beach Resort, Wailea Golf Estates and the Hotel Hana-Maui Condominiums. In addition, Hawaiiana manages several associations on the island of Lanai including Villas at Koele Phase II and Terraces at Manele Bay, plus Molokai's Wavecrest Resort and Molokai Shores. Hawaiiana's Maui County Associations are served by fifteen Management Executives and the industry's most experienced accounting, administrative and technical property management staff.

Hawaiiana serves many of its Maui County clients from its primary office in Kihei. In addition, Hawaiiana's West Maui office in the Kahana Gateway Professional Building is conveniently located to serve over 30 west side clients with their association management needs.

Why choose Hawaiiana?

- We serve 108 associations in Maui County
- Local (vs. mainland) banking
- All employees are in Hawaii

Maui County Clients:

- Aina Nalu
- Coconut Grove on Kapalua Bay
- Cottages at Kulamalu
- Emerald Plaza Place
- Haiku Town Acres
- Hale Kamaole
- Hale Ono Loa
- Hale Royale
- Hokulani Golf Villas
- Honokowai East
- Honu Alahele
- Ho'olea Terrace at Kehalani
- Ho'onanea at Lahaina
- Hotel Hana Maui Condominiums
- Island Sands
- Ka'anapali Royal
- Kahana Village
- Kai Malu at Wailea
- Kalama Terrace
- Kamalani
- Kamani at Kehalani
- Kamaole Beach Royale
- Kamaole Grand
- Kamaole Heights
- Kamaole One
- Kamoku Condominiums
- Kana'i A Nalu
- Kanani Wailea
- Kapalua Place
- Kanoa Resort
- Kapalua Golf Villas
- Ke Alii Ocean Villas
- Keala o Wailea
- Kehalani Community Association
- Kepuhi Beach Resort
- Kihei Beach Condo
- Kihei Garden Estates
- Kihei Kauhale Nani
- Kilohana Kai Vistas
- Kilohana Waena
- Koa Resort
- Kua'aina Ridge
- Kulamalu HOA
- Lahaina Roads
- La'i Loa
- Lanikeha
- Leinani Apartments
- Luana Kai
- Ma'alaea Banyans
- Ma'alaea Kai
- Ma'alaea Mermaid
- Ma'alaea Surf
- Ma'alaea Yacht Marina
- Mahana Estates
- Mahanalu Nui HOA
- Mahina Surf
- Mahinahina Beach
- Makali'i at Wailea
- Makena Surf
- Maluna Kai Estates
- Maui Banyan
- Maui Kaanapali Villas
- Maui Lani Community Association
- Maui Parkshore
- Meadowlands HOA
- Milowai-Maalaea
- Molokai Shores
- Napili Point Resort, Phase I
- Napili Point Resort, Phase II
- Napili Bay
- North Shore Village
- Opukea at Lahaina
- Pacific Shores
- Paki Maui
- Paradise Ridge Estates
- Pohaiani Maui
- Pu'unooa HOA
- Royal Kahana
- Sandhills Estates HOA
- Southpointe at Waiaikoa
- Spinnaker
- Sugar Beach Resort
- Summit at Kaanapali, Phase I
- Terraces at Manele AOO
- Terraces at Manele Bay, Phase IV
- The Ironwoods at Kapalua
- The Mahana at Kaanapali
- The Office Centre
- The Palms at Manele, Phase I
- The Ridge at Wailea
- The Vintage at Ka'anapali
- Valley Isle Resort
- Villas at Kahana Ridge
- Villas at Koele, Phase II
- Wailea Beach Resort & Residences (Andaz Hotel)
- Wailea Golf Estates
- Wailea Golf Estates II
- Wailea Golf Vistas
- Wailea Highlands
- Wailea Kai Homesites
- Wailea Kialoa Homesites
- Wailea Pualani Estates
- Waialele Ridge
- Wailuku Heights Ext. Unit II
- Waiolani Community Assn.
- Waipulani
- Wavecrest Resort
- West Kuiaha Meadows

April Lum, CMCA, AMS Director, West Maui Office	Debra Adams Senior Management Executive	Doug Jorg Senior Management Executive
Kathy Seidman Senior Management Executive	Melanie Alexander Management Executive	Craig Bode Management Executive
Massy Cashen-Suguitan, CMCA, AMS Management Executive	Marilyn Chapman, CMCA Management Executive	Alexander Gat, AMS Management Executive
Katie Guinaw Senior Management Executive	Brian Henze Management Executive	Lisa Kahae Management Executive
Rachelle Mendoza Management Executive	Marc Udoff Director	

HAWAIIANA
PH: (808) 593-6899
Email: doug@hmcmtg.com
www.hmcmtg.com

Under Saving for Future Expenses Hurts All Association Homeowners

Ayres Christ, Director
Associa Hawaii Reserve Study Division



Why are we suddenly faced with such a large increase in reserve contribution? What happened? These are questions asked time-and-again to us here at the Associa Hawaii Reserve Study Division. When providing a new reserve study or updating a prior reserve study, we find that Board members, particularly those new to their associations, are facing sticker shock by what we prescribe: a large increase to the existing reserve contribution in order to correct for the prior under-savings.

Understanding how owners pay into their use of the common elements is one of the most misunderstood aspects of capital expenditure planning and reserve studies. To illustrate my point, let's take a very simple hypothetical: Perfect Palace AOA has 100 owners. There is a single expense of \$300,000 in 30 years. We'll call this expense, common element. At the beginning of the 30 years, they have \$0, so they have to save for the entire \$300,000. I'll outline two different approaches.

Scenario A: the Perfect Palace Board elects to start small: \$5,000 annual reserve contribution. But at only \$5,000 annually, they'll never save enough for the \$300,000 needed in 30 years. They do this because they view the \$300,000 as a far-off expense, and they believe time is on their side. They theorize that indefinite 5% annual increases for 30 years will help them acquire the entire \$300,00 needed. At any point in time, if they stop increasing the reserve contribution, they will fall further behind. This type of funding scenario is all-too-common, and the Board at Perfect Palace is doing the 100 owners no favors. Towards the end of the 30-year window, the owners will have to contribute between \$15,000 and \$19,000 annually in order to reach the \$300,000 target. It's more like Imperfect Palace.

Scenario B: the Perfect Palace Board elects to start higher, at \$10,000 annually. Unlike Scenario A, the Board maintains the same contribution throughout the 30 years. In Scenario B, the Board effectively divided the \$300,000 evenly over 30 years. This results in the 100 owners paying the same amount every year: \$100 per unit, annually. And after 30 years, the association is able to afford the \$300,000 expense while keeping the contribution lower towards the end of the 30-year window than the Board in Scenario A.

Under Saving for Future Expenses Hurts All Association Homeowners

Ayres Christ, Director
Associa Hawaii Reserve Study Division



From our very simple scenarios, we can draw some lessons:

- The funding approach in Scenario A places an unfair burden on newer owners who bought into Perfect Palace late in the 30 years.
- Scenario A allows owners who bought and sold in the early years to avoid paying adequately into their use of the common element.
- Scenario A places an unrelenting burden on the Board to each year implement the 5% increase. Often, as the makeup of the Board changes, the necessary 5% increases sputter out, and owners are happy that their maintenance fees stopped increasing.
- Scenario A associations are much more likely to need a loan or special assessment to pay for projects.

By setting and holding a high contribution in Scenario B, the Perfect Palace Board ensured that all owners, irrespective of how long they own, paid adequately into their use of the common element. This last point is important. It means that there is an equality amongst all owners, temporally.

It is worth noting that there are many factors missing from our Perfect Palace hypothetical: namely interest, inflation, uncertainty of the actual cost. And for the sake of our discussion, we're not discussing the more technical aspects of reserve studies, funding methods and requirements, and if the component data are accurate. Instead, we want to highlight the difference between an association that is perpetually under-saving and an association that is adequately saving. Of course, adjustments to the reserve contribution are always possible, even to good reserve studies. But a good reserve study with a good funding plan should need only minor increases to the contribution periodically rather than the large indefinite increases seen in Scenario A.

Boards everywhere face many challenges and raising maintenance fees is certainly not a popular decision. However, increasing maintenance fees over a period of time to reach sustainable funding is certainly easier than having to impose drastic special assessments to owners. Reserve studies are an invaluable budgeting tool that can help Boards navigate tough decisions and help make their associations a little more perfect.

Don't Let Mold Get a Foothold



Recently, heavy rains have led to a number of issues for Maui residents, from small leaks to devastating flood damage. Whatever the case, it's important to address any damage quickly, because mold begins to grow within 24-48 hours of a flood or water-related event. For each day remediation is delayed, the general cost to repair can increase up to three times!

The Dangers of Mold

Mold has a significant negative impact on the indoor quality of a building and poses a significant health risk. Exposure to mold may cause a variety of health effects, especially with repeated exposure, which could include the following:

- Itchy eyes
- Irritated skin
- Headaches
- Wheezing and coughing
- Difficulty breathing
- Allergic reactions
- Asthma-flareups



3 Common Indoor Molds

Mold can be found both indoors and outdoors and will grow anywhere with a suitable amount of moisture. This could include in roofs, walls and planters. The most common indoor

molds are Cladosporium, Penicillium and Aspergillus. Understanding what each type of mold looks like, where it grows, and its potential threats can help prevent a mold situation from worsening.

Cladosporium

Usually appearing as brown, green or black spots, Cladosporium mostly occurs on damp building materials like carpeting, wood, wallpaper and insulation. However, because it can grow anywhere, it's best to be thorough in your inspections. It poses a low to moderate health risk with exposure commonly leading to allergic reactions (watery eyes, sneezing, coughing).

Penicillium

While it's known for its role in the production of antibiotics like Penicillin, some species of Penicillium mold still pose a health risk in the home and at the office. These blue or green fuzzy growths are often found on decaying organic material like fruits and vegetables, as well as indoor building materials like tiles and wood. Like Cladosporium, Penicillium can cause allergic reactions in people, but some species of the mold can produce mycotoxins which are known carcinogens.

Aspergillus

Aspergillus appears as a green, brown, black or yellow growth and can usually be found in decaying vegetation, grains and high-starch foods (like bread and potatoes). It can also be found in damp areas around the home/office like walls, carpets and windows. Aspergillus poses a much greater risk than Cladosporium and Penicillium. Breathing in the spores could lead to a group of diseases called Aspergillosis with symptoms ranging from wheezing and shortness of breath to fever, coughing up blood and having fungal balls develop in the lungs.

Mold Prevention

The key to preventing mold growth is moisture control. Here are some tips to help reduce the chances of mold growth:

- Regularly inspect your building or home for wet spots, condensation and leaks.
- Address and fix leaky plumbing and leaks as soon as possible.
- Vent all moisture-generating appliances, like dryers, to the outside where possible.
- Perform regular HVAC inspections and maintenance as scheduled.
- Make sure to clean and dry wet/damp spots within 48 hours.

Mold Removal

Because of the risk mold poses to both our health and our property, it's imperative to take care of any mold growth immediately. This is a process best handled by professionals for the following reasons:

- **It's hard to remove** – Mold can develop in places we can't see, so even if you spot a small patch of mold, that may not be the extent of the issue. Also, touching, scraping or scrubbing mold can cause the spores to become airborne, exacerbating the issue and posing health risks.
- **They have the know-how and expertise** – A professional team will be certified and trained to remove all mold safely and prevent further contamination in different settings and buildings.
- **They have specialized equipment** – You need the right tool for the job, and that especially applies to mold removal. Professionals will have the proper cleaning agents, air scrubbers, HEPA-filtered vacuums and other tools of the trade to ensure the job is done safely and thoroughly.
- **They are licensed and insured** – If anything goes wrong during the cleanup, you'll be covered financially, and you won't have to worry about any accidents that may occur.

A mold issue is a serious concern that should be addressed as soon as possible. Delaying cleanup could lead to major health problems and structural damage. If you suspect you may have a mold issue in your building, contact properly trained, certified and licensed professionals.



Joe Durang, Justin Pimentel, Marlone Madamba and Alexander Stuart are general managers at Premier Restoration Hawaii, one of Hawaii's largest and most respected restoration and construction companies. Locally owned and operated, Premier Restoration provides 24/7 emergency response on Maui, Oahu, Kauai and Hawaii Island. Contact Premier Restoration at info@premhi.com or (808) 873-8886.

The Consequences of Putting Off Pipe Replacement

Planning for a capital improvement project can be one of the most challenging aspects of condominium management. This is especially true when a plumbing system fails because plumbing systems serve all units and many common areas in a building; and the piping that contractors must replace is usually behind walls, under floors, or in ceilings.

Often, a community hasn't budgeted for a building-wide repipe, which means homeowners will question how the project is financed and every penny of funding required. Also, the board may not feel confident about overseeing a significant construction project while managing residents through several months of disruption to their lives.

Facing a pipe replacement project can certainly feel daunting, but don't be tempted to put it off, as waiting may have some serious consequences.

Why It's Dangerous to Wait

Putting off pipe replacement can have an extremely costly impact:

- **Devastating failures:** Small, one-off leaks can be repaired, but failing pipes left in place for too long could lead to a major leak that damages multiple units, common areas, and elevators. Instead of saving money, the board could incur millions of dollars of costs to replace walls, floors, and other building components damaged by leaks and floods—plus the inevitable cost to repipe the building.
- **Constant disruptions:** Ongoing repairs can lead to massive inconveniences for unit owners, whether they're displaced from their homes during repairs or facing water shutoffs. The disruptions can continue even during a repipe project. There are communities where the pipes have been failing for so long that contractors must scramble project schedules and alter resident communications to work on parts of the building that start to flood during the project.
- **Lawsuits:** Left unremedied, repeated, long-term problems may lead to lawsuits by homeowners, who may believe boards have failed to fulfill their duties. For example, a homeowner in Oahu had been complaining about leaks for years but the board failed to act; the homeowner sued and was awarded \$1 million for the inconvenience.
- **Insurance woes:** As larger repairs add up, insurance premiums and deductibles increase. Association deductibles can rise to well over \$50,000 per unit. In worst-case scenarios, an insurer may refuse to renew coverage once the existing policy has expired. Once its policy is canceled, an association may be forced to buy second-tier insurance that costs more and doesn't cover as much.



- **Rising construction costs:** Construction labor and material costs rise over time and have increased significantly due to the COVID-19 pandemic and the war in Ukraine. Therefore, delaying a repipe can greatly increase the cost. For example, if a board received a proposal last year and decided today to proceed, the project cost could have risen by 15% or more.
- **Poor community reputation:** Continual failures in pipes and damage to individual living units can lead to negative impressions of the building and bad word of mouth. This will make it more difficult for condo owners to sell their units, further fueling their discontent.



Finally, it's important not to delay because the process to start a building-wide pipe replacement often requires more than a year. It includes obtaining board approvals for the project, collecting and evaluating contractor bids, and managing contractors through the pre-construction processes—such as creating drawings required by the permitting office, obtaining permits, preparing the site, and delivering resident communications. All of this can take 12 to 18 months, or longer.

Fortune Favors the Brave

When a community starts experiencing more than four plumbing system failures in a year, it's time to contact a pipe replacement specialist and start examining options for capital improvement funding.

Better yet, start planning before the plumbing systems start to fail. When a building reaches 20 years old, talk to a reserves provider about how to plan for pipe system replacement.

The prospect of pipe replacement can be challenging. Just remember that fortune favors the brave and taking swift action means avoiding much greater costs and tensions down the road.



Miguel Rentas (mrentas@sagewater.com) is the Vice President of Hawaii Operations and Sales at [SageWater](https://www.sagewater.com), the nation's leading turnkey pipe replacement contractor. He built the company's first crew in Oahu in 2009 and has hired and trained new crews to complete 40+ community-wide projects, more than any other contractor in Hawaii.

What is This?!



Where Does Your Storm Water Go? - Underground and Above-Ground Drainage

The 3rd in a series of articles to alert owners of potential problems in their communities.

By: Kyle Pineo, Esq. and William M. McKeon, Esq. of Berding & Weil, LLP

Over three days at the end of January, 2023, Maui received upwards of 15 inches of drenching rain, causing flash floods, property damage and, terribly, a tragic loss of life. This was not a 50-year storm. Many of our communities are located at or near the shoreline. Heavy rains falling high in our mountains run downhill to our communities. The risks and dangers from even a 15 to 20-year storm are real. Where does all that water go? What can you do to manage the risks? Let's take a look.

Old vs. New

Older communities were not required by the County to and probably do not have storm drainage systems that safely catch and manage rainwater onsite. Communities with ponding and flooding should hire a civil engineer to assess and address those problems.

Onsite vs. Offsite

Newer communities likely have storm drain systems. The Maui County Department of Public Works and Waste Management adopted Rules for the Design of Storm Drainage Facilities that require that developments not increase runoff and manage onsite and offsite water sources safely.

Imagine an open field next to the ocean and neighboring fields at higher elevations. Rain falling on the field (“Onsite Stormwater”) is mostly absorbed and some flows seaward. The higher fields absorb rain, but some flows onto the lower field (“Offsite Stormwater”). When the lower field is developed, buildings, roads, parking and walkways cover soil that absorbed rainfall, increasing runoff. The County does not allow that – a drainage system must be installed to catch and hold the Onsite Stormwater and safely pass through Offsite Stormwater.

Above Ground vs. Below Ground

Above ground water basins (e.g., a large depression) safely collect and hold Onsite Stormwater until absorbed or evaporated. These basins also safely collect and pass through Offsite Stormwater. Stormwater usually drains quickly. Given space constraints, underground drainage systems are more typical.

Below ground drainage systems involve inlet drains that catch and direct Onsite and Offsite Stormwater into large perforated underground pipes, where water is held until it percolates into the soil. See photo above. Pipes can be six feet or more in diameter, stretching for hundreds of feet underground.

Drainage Issues

Several drainage issues can cause flooding. First, under the County’s Rules, a developer is supposed to calculate and design a system that can safely collect and manage Onsite and Offsite Stormwater. That is not always the case. Onsite Stormwater is obvious. Calculating Offsite Stormwater requires more time, expertise (e.g., fluid dynamic modeling), and expense. Corners often get cut. The failure to properly account for Offsite Stormwater can and has led to flooding.

Second, the Rules generally require that the elevation of a building’s floor must be a foot higher than the adjacent pavement. If a unit is lower, the risk of flooding increases. We have seen such a design and the lower units have experienced flooding.

Third, a report for an above grade drainage basin typically includes calculations showing how fast the basin will drain based on the existing soil type. Where the developer over compacts the soil, or adds other soil types to the basin, the percolation rate can and usually will change. We know of an above ground basin that can take up to several months to drain, leading to potential health and safety issues.

Slow percolation. Keep it clean. If percolation is slow, consult an expert with experience to assess and remedy the situation.

If its underground, the drain inlets must be kept clear of growth and debris and the underground collection pipe must be inspected and kept clean. Dirt build-up at the bottom can slow percolation. If flooding persists, an experienced hydro engineer needs to assess the situation.

Berding & Weil is experienced in investigating stormwater drainage system defects and if the project is young enough, pursuing developer claims. Please contact us if you are concerned about this issue, so you know where the stormwater at your project goes during a rain.

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ATTORNEYS AT LAW



Kyle Pineo, Esq.
Berding & Weil, LLP



William M. McKeon, Esq.,
Berding & Weil, LLP

We would like to Express our Appreciation and Gratitude to our

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Bergeman Group

SAVE THE DATE

April 21, 2023

Board Training Part 3

What Does a Property Management
Company do for my Association?



Check-in and Meet with Vendors: 8:00-9:00 a.m.

Seminar: 9:00 a.m. – 1:00 p.m.