

Restoring Board Trust at the Ilikai

Challenge: An association board had become fractionalized due to the property's history of delinquencies, ownership mismanagement and an array of pending lawsuits.

Solution: Encouraging communication and transparency between all stakeholders as appropriate, Porter McGuire Kiakona & Chow, LLP (PMKC) took strategic actions to prevent further escalation of lawsuits and reduce delinquent assessments.

Result: PMKC settled multiple lawsuits favorably and collected more than 70 percent of delinquent assessments and fees. Reaching resolutions, the board became united and trust improved.

“Overwhelmed with delinquencies and prolonged lawsuits, the board and I appreciated PMKC’s straightforward approach. They recommended what was best, even if it was hard for us to digest. PMKC was instrumental in ending disputes, getting our collections back on track and making us work together.”

John Popovich, General Manager, Ilikai

Following changes in ownership, the Ilikai, an iconic multi-use condominium high-rise in Waikiki, had a fractionalized board. Communications between the board, management, and owners had become strained, making conflict resolution difficult. Needing assistance in navigating the property’s complex legal situation and internal divisions, the board interviewed multiple firms specializing in community association law before hiring PMKC. The board selected PMKC for its attorneys’ aggressiveness on delinquencies and dispute resolution.

Immediately, PMKC assessed the property’s position and developed strategic plans to effectively tackle the lawsuits and delinquencies. PMKC counseled the board on a variety of unresolved issues, including an amendment of the association’s rules, a property easement, a personal injury case, and the modernization of the building’s elevators. While representing the board, PMKC’s attorneys regularly attended meetings and provided reports to keep them fully informed on legal proceedings. PMKC successfully resolved many of the property’s lawsuits through mediation and litigation, allowing board members to refocus on their primary responsibilities on association members.

In the easement case, PMKC collaborated with representatives from the Modern, Ilikai and Ilikai Marina to structure a mutually beneficial agreement. The settlement kept a ramp connecting the high-rises to the marina and beach accessible to the public and prevented any group from restricting its use in the future.