

**Report on Non-General Fund Information**  
for Submittal to the 2003 Legislature

Department: COMMERCE AND CONSUMER AFFAIRS

Date: November 1, 2002

Prepared by: Kay M. Okimoto

Phone: 586-2831

Name of Fund: Compliance Resolution Fund Cable Television

Legal Authority: 440G

Fund Type (MOF): B

Approp. Acct. No. S-302-R

**Intended Purpose:** See attached.

**Current Program Activities:** See attached.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	2,832,246	2,928,712
Beginning Encumbrances		245,843
Revenues	1,285,431	
Expenditures	931,362	
Transfers (List Each Transfer by JV# and Date)		
JS0016 7/2/01	-100,000	
JS3507 12/13/01	-157,603	
Net Total Transfers	-257,603	
Amount Derived from Bond Proceeds		
Ending Cash Balance	2,928,712	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

**Intended Purpose:**

To promote safe, adequate and reliable cable services at reasonable prices including, but not limited to, investigation and resolution of subscriber complaints regarding the operation of a cable system, advocating consumer interests before federal, state legislative and administrative forums or proceedings, and examining rate filings submitted by cable operators.

To promote construction, extension and operation of quality cable communications resources including, but not limited to, the State's Institutional Network (INET) and public, educational, and government (PEG) access as part of a comprehensive telecommunications infra-structure that would be available to residents of all areas of Hawaii.

**Current Program Activities:**

- Issues and enforces permits and permit conditions for cable communications service areas.
- Promulgates and enforces rules and regulations governing the practices, procedures, quality and quantity of services including rates, and customer and technical operations of cable communications companies.
- Plans and encourages the development of new, improved and more effective utilization of cable communications services, equipment, and facilities including the State's Institutional Network (INET), and public, educational, and government (PEG) access resources and facilities, which will enhance communications services available to Hawaii's citizens.

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Name of Fund: CRF - PUC Spcl Fn Allocation-Consumer Advocacy

Legal Authority: 269-33

Fund Type (MOF): B

Approp. Acct. No. S-303-R

**Intended Purpose:** To fund the operations of the Division of Consumer Advocacy.

**Current Program Activities:** To represent, advance and protect the interests of consumers of regulated utility and transportation services. Specifically: utility and transportation company requests to increase rates, service reliability investigations, energy utility integrated resource plans, capital improvement projects for utilities, promote effective competition and consumer protection through contested cases and rule making proceedings regarding telecommunications and electric power infrastructure development.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	2,008,887	2,648,039
Beginning Encumbrances		688,229
Revenues	75,722	
Expenditures	1,826,134	
Transfers (List Each Transfer by JV# and Date)		
JS0128 7/13/01	572,818	
JS2294 11/2/01	585,637	
JS3189 1/22/02	588,139	
JS4673 4/10/02	608,935	
JS3502 2/7/02	-500,206	
JS2636 12/13/01	482,000	
JS0845 8/2/01	52,100	
JS2633 12/13/01	141	
Net Total Transfers	2,389,564	
Amount Derived from Bond Proceeds		
Ending Cash Balance	2,648,039	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow		
Accounts, or Other Investments as of 7/1/02		

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Name of Fund: Compliance Resolution Fund-PVL  
Legal Authority: 26-9  
Fund Type (MOF): B  
Approp. Acct. No. S-305-R

**Intended Purpose:** To fund the operations of the Professional and Vocational Licensing Division.

**Current Program Activities:** See attached.

<b>Financial Data</b>		
	FY 2002	FY 2003
Beginning Cash Balance	7,677,653	7,552,213
Beginning Encumbrances		305,639
Revenues	4,560,765	
Expenditures	3,391,245	
Transfers (List Each Transfer by JV# and Date)		
JS0016 7/2/01	-300,000	
JS3507 2/7/02	-468,961	
JS2636 12/31/01	-525,999	
Net Total Transfers	-1,294,960	
Amount Derived from Bond Proceeds		
Ending Cash Balance	7,552,213	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

**Current Program Activities:** For 46 regulated areas - process applications for licensure, examine applicants, license, renew, update licensee files, provide information and guidance to the public, applicants and licensees regarding regulatory areas verbally and in writing, assist with or adopt or amend rules, propose and react to legislative measures, liaison between 25 regulatory boards and DCCA, conduct public meetings, public hearings, produce minutes, facilitate decision-making by the boards in ordering disciplinary action against a licensee and granting, denying or otherwise conditioning problematic license applications, network with outside entities for coordinated activities or keeping abreast of current trends, network with other State agencies for compliance (legislative auditor, ethics commission, procurement office).

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Name of Fund: Compliance Resolution Fund-Business Registration

Legal Authority: 26-9

Fund Type (MOF): B

Approp. Acct. No. S-306-R

**Intended Purpose:** To fund the operations of the Business Registration Division.

**Current Program Activities:** Register corporations, partnerships, limited liability companies, limited liability partnerships, limited partnerships, trade names, trademarks, and service marks and for the registration and compliance with other statutes and regulations administered by the Business Registration Division, such as Hawaii's uniform securities act.

<b>Financial Data</b>		
	FY 2002	FY 2003
Beginning Cash Balance	31,072,471	35,537,877
Beginning Encumbrances		526,084
Revenues	10,200,493	
Expenditures	4,469,290	
Transfers (List Each Transfer by JV# and Date) JM0471 8/12/02		-24,735,000
JS0016 7/2/01	-400,000	
JS3507 2/7/02	-562,113	
JS2636 12/13/01	-303,684	
Net Total Transfers	-1,265,797	
Amount Derived from Bond Proceeds		
Ending Cash Balance	35,537,877	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow		
Accounts, or Other Investments as of 7/1/02		

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Name of Fund: Driver's Education Fund

Legal Authority: 431:10C-115, HRS; 431:10G-107

Fund Type (MOF): B

Approp. Acct. No. S-309-R

**Intended Purpose:** Provide drivers training and education.

**Current Program Activities:** All collected revenues disbursed to the Judiciary, Department of Education (DOE), and Department of Transportation (DOT). Judiciary's funds are expended for the operations of the drivers' education program provided in section 286-128(m). DOE's funds support the drivers' education for high school students. The DOT uses its funds for the operation of a driver's education program for operators of motorcycles, motor scooters or similar vehicles.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	158,026	44,555
Beginning Encumbrances		
Revenues	1,486,529	
Expenditures	27,098	
Transfers (List Each Transfer by JV# and Date)		
JS0108 7/12/01	-120,026	
JS4291 3/19/02	-800,000	
JS5241 5/6/02	-645,778	
JS6259 6/26/02	-7,098	
Net Total Transfers	-1,572,902	
Amount Derived from Bond Proceeds		
Ending Cash Balance	44,555	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

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Name of Fund: Compliance Resolution Fund

Legal Authority: 26-9(0)

Fund Type (MOF): B

Approp. Acct. No. S-310-R

**Intended Purpose:** See attached.

**Current Program Activities:** See attached.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	490,043	1,724,242
Beginning Encumbrances		512,323
Revenues	168,714	
Expenditures	3,162,465	
Transfers (List Each Transfer by JV# and Date)		
JS0016 7/2/01	2,350,000	
JS3507 2/7/02	2,310,940	
JS5058 4/25/02	-231,309	
JS4111 3/7/02	-31,000	
JS5160 4/30/02	-175,000	
JS0427 7/30/01	-250	
JS0845 8/21/01	28	
JS0845 8/21/01	4,541	
Net Total Transfers	4,227,950	
Amount Derived from Bond Proceeds		
Ending Cash Balance	1,724,242	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

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Name of Fund: Business Registration Spec Handling Fund

Legal Authority: 415-128  
Fund Type (MOF): B  
Approp. Acct. No. S-311-R

**Intended Purpose:** To provide expedited service to those who wish to have faster service on the processing of the documents.

**Current Program Activities:** Provide for staffing of business registration assistants and other clerical staff to provide expedited service to the business community. Documents filed involve corporations, partnerships, limited liability companies, limited liability partnerships, limited partnerships, trade names, trademarks, service marks and certifications.

<b>Financial Data</b>		
	FY 2002	FY 2003
Beginning Cash Balance	1,002,390	798,116
Beginning Encumbrances		221,499
Revenues	513,678	
Expenditures	585,088	
Transfers (List Each Transfer by JV# and Date)		
JS0016 7/2/01	-50,000	
JS3507 2/7/02	-82,864	
Net Total Transfers	-132,864	
Amount Derived from Bond Proceeds		
Ending Cash Balance	798,116	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow		
Accounts, or Other Investments as of 7/1/02		

**Intended Purpose:**

To enhance program effectiveness and efficiency by providing direction and general supportive services.

**Current Program Activities:**

Provide general policy and administrative leadership, supervision and coordination of the various programs of the department. Provide individual programs with financial resources, budgetary direction and control necessary for their operation. Assist individual programs with the supply, development and maintenance of the human resources necessary for staffing their operations. Provide Director with staff assistance in the direction and supervision of the operating division; and provide centralized clerical services and relief necessary to support and supplement of the operating division. Plans, directs and coordinates the department's internal and external communications through the sharing and transfer of the information via various mediums. Directs the development, implementation and maintenance of computerized information systems capable to communicating and sharing data and information internally and externally. Administers a program for informed consumerism through the sharing and transfer of information departmentally and statewide. Provide specialized staff support to all divisions and boards by conducting hearings, as required, to insure impartial and informed treatment in resolving consumer complaints; and provides a means for prompt and fair disposition or settlement of medical tort claims or claims of professional negligence against an engineer, architect or surveyor licensed under Chapter 464, HRS.

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Name of Fund: Compliance Resolution Fund-RICO  
Legal Authority: 26-9(0)  
Fund Type (MOF): B  
Approp. Acct. No. S-312-R

**Intended Purpose:** Complaints receipt, mediation, arbitration, investigation and prosecution of matters in areas for which a license, registration or certificate is required from the Department or its boards, commissions or regulatory programs.

**Current Program Activities:** Complaints receipt, mediation, investigation, complaints resolution and prosecution related to licenses, registrations or certificates required from the Department or its boards, commissions or programs.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	6,353,674	5,882,163
Beginning Encumbrances		550,341
Revenues	3,802,616	
Expenditures	3,587,548	
Transfers (List Each Transfer by JV# and Date)		
JS0016    7/2/01	-500,000	
JS3507    2/7/01	-84,262	
JS0017    7/2/01	-500,000	
JS2636    12/13/01	397,683	
Net Total Transfers	-686,579	
Amount Derived from Bond Proceeds		
Ending Cash Balance	5,882,163	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

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Name of Fund: Insurance Regulation Fund

Legal Authority: Act 163, 1999 SLH, 431:2-215, HRS

Fund Type (MOF): B

Approp. Acct. No. S-313-R

**Intended Purpose:** The fund permits the Insurance Division to become self-sufficient and eliminates reliance on general funds and revolving funds administered by the Division.

**Current Program Activities:** Used to defray any administrative cost, including personnel cost, associated with all of the programs of the Insurance Division, and cost incurred by supporting offices and Divisions.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	7,597,518	9,998,953
Beginning Encumbrances		2,489,854
Revenues	9,208,659	
Expenditures	5,510,420	
Transfers (List Each Transfer by JV# and Date)		
JS0016 7/2/01	-800,000	
JS3507 2/7/02	-968,799	
JS5058 4/25/02	231,309	
JM2452 12/6/02	290,686	
JS2636 12/13/01	-50,000	
Net Total Transfers	-1,296,804	
Amount Derived from Bond Proceeds		
Ending Cash Balance	9,998,953	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

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Name of Fund: Captive Insurance Administrative Fund

Legal Authority: 431:19-101.8, HRS, Act 261, 1997 SLH; Act 131, SLH 1999

Fund Type (MOF): Special (B)

Approp. Acct. No. S-317-R

**Intended Purpose:** The fund shall be used to pay the costs incurred in administering captive insurance provisions of the Insurance Code.

**Current Program Activities:** Meet with prospective captive insurance companies and review licensing applications. Monitor, regulate, and examine captive insurance companies. Develop and promote the captive insurance industry.

<b>Financial Data</b>		
	FY 2002	FY 2003
Beginning Cash Balance	408,283	720,931
Beginning Encumbrances		
Revenues	719,503	
Expenditures	116,169	
Transfers (List Each Transfer by JV# and Date)		
JM2452 12/6/01	-290,686	
Net Total Transfers	-290,686	
Amount Derived from Bond Proceeds		
Ending Cash Balance	720,931	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

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Name of Fund: CRF-Financial Institutions

Legal Authority: 412:2-109 and 26-9(o)

Fund Type (MOF): Special (B)

Approp. Acct. No. S-320-R

**Intended Purpose:** To allow the Commissioner to appoint financial institutions examiners to examine the affairs of financial institutions, to appoint any necessary administrative support personnel, and to pay for any expenses incurred during examinations or necessary for the education and training of personnel and other expenses related to examinations and administrative costs as well as to support the entire program of the Division of Financial Institutions.

**Current Program Activities:** Ensures the safety and soundness of state-chartered financial institutions by fairly administering applicable statutes and rules through a program of supervision and regulation through chartering or licensure, examination, application review, off-site monitoring, and complaint handling and is also responsible for the licensing and supervision of escrow depositories.

<b>Financial Data</b>		
	FY 2002	FY 2003
Beginning Cash Balance	6,131,960	6,027,975
Beginning Encumbrances		75,488
Revenues	2,745,917	
Expenditures	2,374,285	
Transfers (List Each Transfer by JV# and Date)		
JS0016 7/2/01	-200,000	
JS3507 2/7/02	-275,617	
JM0471 8/12/02 Transfer to General Fund		-1,265,000
JM0622 8/21/02 Adjust FY2002 Revenue		-500,000
Net Total Transfers	-475,617	
Amount Derived from Bond Proceeds		
Ending Cash Balance	6,027,975	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow		
Accounts, or Other Investments as of 7/1/02		

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Name of Fund: CRF-Office of Consumer Protection

Legal Authority: 487-2, HRS

Fund Type (MOF): B

Approp. Acct. No. S-323-R

**Intended Purpose:** To protect Hawaii consumers utilizing investigative resources, civil enforcement actions and consumer education.

**Current Program Activities:** OCP receives and investigates consumer complaints, provides consumer education to the public through oral presentations and the dissemination of consumer literature, and enforces consumer protection laws through legal process coordinated by its attorneys.

<b>Financial Data</b>		
	FY 2002	FY 2003
Beginning Cash Balance	59,928	1,374,115
Beginning Encumbrances		65,377
Revenues	938,017	
Expenditures	913,315	
Transfers (List Each Transfer by JV# and Date)		
JS0017 7/2/01	500,000	
JS3507 2/7/02	789,485	
Net Total Transfers	1,289,485	
Amount Derived from Bond Proceeds		
Ending Cash Balance	1,374,115	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

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Name of Fund: Temporary Deposits

Legal Authority: \_\_\_\_\_

Fund Type (MOF): T

Approp. Acct. No. T-902-R

**Intended Purpose:** The fund was established by DCCA to account for temporary deposits. Moneys deposited in this fund are later transferred to the appropriate fund.

**Current Program Activities:**

<b>Financial Data</b>		
	FY 2002	FY 2003
Beginning Cash Balance	469,254	553,381
Beginning Encumbrances		
Revenues	866,043	
Expenditures	781,916	
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	553,381	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

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Name of Fund: Real Estate Recovery Fund  
Legal Authority: 467-16-19, 21-24, HRS  
Fund Type (MOF): T  
Approp. Acct. No. T-904-R

**Intended Purpose:** See attached.

**Current Program Activities:** See attached.

<b>Financial Data</b>		
	FY 2002	FY 2003
Beginning Cash Balance	365,514	380,888
Beginning Encumbrances		1,229
Revenues	69,495	
Expenditures	54,121	
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	380,888	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		129,463

**Intended Purpose:**

As stated in §467-16(a), HRS, the Real Estate Recovery Trust Fund is intended to provide recovery to persons "aggrieved by an act, representation, transaction, or conduct of a duly licensed real estate broker, or real estate salesperson, upon the grounds of fraud, misrepresentation, or deceit". The statute establishes limits of \$25,000 per transaction and \$50,000 per licensee.

**Current Program Activities:**

- Defend and administer claims through contracted attorneys who represent the Commission in actions for claims, including administering contracts and payment for services.
- Provide information, advice, and referral on all inquiries concerning the Real Estate Recovery Trust Fund and claims.
- Receive, process, and act on complaint notices, court filed motions, subpoenas, settlement claims, and court ordered claims including record keeping and monitoring the complaints through the courts.
- Arrange and assist in presentation of settlement claims, court ordered claims, and other issues to the Commission at its monthly scheduled meetings or emergency meeting.
- Administer budget, including development and approval of biennium budget, record keeping, any CPA audit, investment of funds, development of statistical and other periodic reports to licensees, Budget and Finance, Governor, and the Legislature.
- Study and develop case summaries for educational purposes.
- Initiate and develop collection program, continue to administer the State Tax Intercept Program with the Department of Taxation and DAGS.
- Research, develop, print, and distribute a simple plain language brochure for claimants.
- Provide funding for Clerical position, who services the program.

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Name of Fund: Real Estate Education Fund  
Legal Authority: 467-11-19, HRS  
Fund Type (MOF): T  
Approp. Acct. No. T-905-R

**Intended Purpose:** See attached.

**Current Program Activities:** See attached.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	766,634	643,066
Beginning Encumbrances		20,284
Revenues	91,080	
Expenditures	214,648	
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	643,066	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

**Intended Purpose:** As stated in §467-19(b), HRS, the Real Estate Education Trust Fund is intended to "promote the advancement of education and research in the field of real estate for the benefit of the public and those licensed under the provisions of this chapter and the improvement and more efficient administration of the real estate industry."

**Current Program Activities:**

Funding of Exempt Positions

- Provide funding for Real Estate Specialists and Clerical positions, who administer the programs below.

Information, Advice and Referral

- Respond to inquiries from the public, consumers, real estate licensees, government officials, attorneys, educators, and others via telephone, office walk-ins, written inquiries and applications, and website, providing information, advice and referral. FY02 included 20,187 telephone inquiries, 2,185 walk-ins, 11,343 written inquiries and applications, and 239,457 website inquiries.
- Administer real estate website.
- Administer and provide information as required under the Uniform Information Practices Act.
- Administer and maintain a public information self-help area in the office for walk-in traffic, which includes public information documents, educational materials, and reference materials for public review.
- Arrange and conduct Real Estate Specialists of the Day at neighbor island sites.

Educational and Informational Materials

- Research, develop, publish and distribute the quarterly real estate bulletin to all real estate licensees, government officials, State Libraries, and others in related areas.
- Printing and distribution of Chapter 467, HRS, as amended to all principal brokers and brokers-in-charge.
- School Files, a quarterly bulletin to real estate prelicense schools, prelicense and continuing education instructors and continuing education providers which provides current information on instruction, education, curriculum, testing, application fees and procedures.
- Various publications and informational sheets for consumers and real estate licensees.
- Research, develop and submit articles for the media.
- Research and report on alternative delivery of educational materials.
- Develop and maintain website on the internet for dissemination of information, publications, forms, agendas, etc. to licensees and the general public.
- Distribute new salesperson and broker start-up kits, consisting of information and educational materials.

Administer Education Review Committee, Laws and Rules Review Committee and Real Estate Commission

- Hold monthly meetings for the two standing committees and the Commission with some meetings at neighbor island sites.
- Administration of the committee meetings, including agenda, distribution materials, room and equipment arrangements, oral testifiers, minutes, committee reports, post-meeting responsibilities, etc.
- Conduct and administer periodic symposiums.

Research, develop or update curriculum and instructional materials for courses and administer courses

- Continuing education core course.
- Prelicensing real estate broker course.

- Prelicensing real estate salesperson course.

#### Research, develop and conduct seminars, workshops and meetings

- Instructor development workshops, course briefings and other meetings for real estate educators.
- Real estate seminars for real estate licensees.

#### Administer Real Estate Examination Program

- Administer contract with vendor for daily computerized exams.
- Conduct periodic test development sessions, monitor exam sites, provide annual laws and rules update and handle complaints and problems.
- Administer participation in the ARELLO examination and certification program.

#### Interactive Educational and Research Participation

- Educational speaker to organizations, government entities and others.
- Participate, exchange and network with local, state, national and international organizations and other government entities.
- Provide briefings to legislators, testify on legislative bills, and participate in other legislative requests.
- Research, develop, print and distribute to Governor and Legislature the Real Estate Commission's Annual Report as required by Section 467-4, HRS.
- Research, develop and conduct studies and reports to the Legislature or Governor.

#### Administration of Real Estate Schools, Providers, Instructors and Courses

- Administration of applications, review/approval process, records, reregistration and recertification for prelicensing education and continuing education.
- Administer evaluation system and instructor examinations.
- Research and report on alternative delivery of education programs.
- Administer Continuing Education Advisory Panel.
- Conduct periodic workshops/meetings.
- Administer prelicensing education equivalency program.

#### Administration of Budget and Biennial Plans

- Development and approval of Real Estate Education Fund budget.
- Administration of budget, investment of funds and any CPA audit.
- Research, development and submission of information and reports required by the Department, Budget and Finance, Governor and the Legislature.
- Development, approval and administration of the Biennial Education and Research Plan.

#### Rulemaking

- Research, develop and initiate rulemaking process, including public workshops with those affected.
- Research, present, and receive recommendations for amendments to Chapter 107, HAR, and discuss and receive comments on any recommendations at the monthly meetings from the real estate community.
- Research, develop, and initiate rulemaking process for Chapter 107, HAR, including holding public workshops with those affected.
- Research, study and make recommendations concerning fees for Chapter 53, HAR, and assist the Professional and Vocational Licensing Division in the rulemaking process.

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#### Administration of Real Estate Licensing

- Assist in administration of real estate licensing, renewals, and records administration.
- Conduct informational workshops concerning licensing and renewals.
- Administer all joint programs with other Divisions and Departments.
- Administer program with the ARELLO National Disciplinary Action Data Bank.
- Administer HUD/ARELLO Fair Housing Agreement.

**Report on Non-General Fund Information**  
for Submittal to the 2003 Legislature

Department: COMMERCE AND CONSUMER AFFAIRS

Date: November 1, 2002

Prepared by: Kay M. Okimoto

Phone: 586-2831

Name of Fund: Contractor's Recovery Fund

Legal Authority: 444-26, HRS

Fund Type (MOF): T

Approp. Acct. No. T-908-R

**Intended Purpose:** Provide fund from which a person injured by an act, representation, transaction, or conduct of a duly licensed contractor may recover by an order of the court, an amount of not more than \$12,500 per contract or \$25,000 per contractor.

**Current Program Activities:** Current program activities include paying consumers who have prevailed against the fund and paying of attorney-consultant's fees.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	526,251	470,773
Beginning Encumbrances		
Revenues	71,814	
Expenditures	127,292	
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	470,773	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow		
Accounts, or Other Investments as of 7/1/02		

**Report on Non-General Fund Information**  
for Submittal to the 2003 Legislature

Department: COMMERCE AND CONSUMER AFFAIRS

Date: November 1, 2002  
Prepared by: Kay M. Okimoto  
Phone: 586-2831

Name of Fund: Contractors' Education Fund  
Legal Authority: 444-29, HRS  
Fund Type (MOF): T  
Approp. Acct. No. T-909-R

**Intended Purpose:** To be used for consuming public, licensees, Board members and staff; to be used for publications, media exposure, participation in national association meetings, classes and other educational purpose the Board deems necessary.

**Current Program Activities:** Funded activities include: National Association dues; attendance by Executive Officer and Board members at national association meetings; registration fees for attendance at national meetings, travel expense for neighbor island Board members to attend special Board meetings on Oahu; publication of educational materials; and for personnel costs for overtime pay when workload results from contractor's license board activities.

<b>Financial Data</b>		
	FY 2002	FY 2003
Beginning Cash Balance	46,979	54,480
Beginning Encumbrances		1,600
Revenues	13,778	
Expenditures	6,277	
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	54,480	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow		
Accounts, or Other Investments as of 7/1/02		

**Report on Non-General Fund Information**  
for Submittal to the 2003 Legislature

Department: COMMERCE AND CONSUMER AFFAIRS

Date: November 1, 2002  
Prepared by: Kay M. Okimoto  
Phone: 586-2831

Name of Fund: Travel Agency Recovery Fund  
Legal Authority: Chapter 468K, HRS  
Fund Type (MOF): T  
Approp. Acct. No. T-910-R

**Intended Purpose:** See attached.

**Current Program Activities:** See attached.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	22	22
Beginning Encumbrances		
Revenues		
Expenditures		
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	22	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

**Intended Purpose:**

§468K-3 Travel Agency Recovery Fund; use of funds; fees. There shall be established and maintained a Travel Agency Recovery Fund from which any person aggrieved by an act, omission of material fact, representation, transaction, or conduct of a licensee, that is in violation of this chapter or its adopted rules, or which constitutes an unfair or deceptive act or practice in violation of section 480-2, may recover, by order of a court of competent jurisdiction within the State, an amount of not more than \$8,000 for damages sustained as a result of the act, representation, transaction, or conduct of each licensee. Recovery from the fund shall be limited to the actual damages suffered by the claimant, including court costs and fees as set by law, and reasonable attorneys' fees as determined by the court.

**Current Program Activities:**

In 1991, Act 285, SLH, limited access to the fund to claims arising from travel services purchased prior to October 1, 1991. All funds remaining in the travel agency recovery fund after the resolution of all civil proceedings commenced prior to October 1, 1993, if any, shall become part of the compliance resolution fund for use in travel agency-related cases. There are a few outstanding lawsuits against the Travel Agency Recovery Fund, but Gary Lee, Esq., is not anticipating any payments from the fund to the complainants at this time.

**Report on Non-General Fund Information**  
for Submittal to the 2003 Legislature

Department: COMMERCE AND CONSUMER AFFAIRS

Date: November 1, 2002  
Prepared by: Kay M. Okimoto  
Phone: 586-2831

Name of Fund: Travel Agency Education Fund  
Legal Authority: Chapter 468K, HRS  
Fund Type (MOF): T  
Approp. Acct. No. T-911-R

**Intended Purpose:** See attached.

**Current Program Activities:** See attached.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	21,449	21,449
Beginning Encumbrances		
Revenues		
Expenditures		
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	21,449	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

**Intended Purpose:** (L 1991, c 285, section 5.)

The department shall use the amounts available in the Education Fund to alert all current licensees under chapter 468K, Hawaii Revised Statutes, to the requirements of this Act and to inform the public about the rights and remedies provided in this Act. The fund may also be used to pay for any claim or expense of the Recovery Fund in the event the Recovery Fund becomes exhausted. Any amount that remains after payment of educational expenses or for recovery fund claims and expenses shall become part of the Compliance Resolution Fund for use in travel agency-related cases.

**Current Program Activities:**

Funds remaining in the Travel Agency Education Fund are being held in case disbursements are needed for travel agency-related case claimants against the Travel Agency Recovery Fund. There are a few outstanding lawsuits against the Travel Agency Recovery Fund, but Gary Lee, Esq., is not anticipating any payments at this time.

**Report on Non-General Fund Information**  
for Submittal to the 2003 Legislature

Department: COMMERCE AND CONSUMER AFFAIRS

Date: November 1, 2002  
Prepared by: Kay M. Okimoto  
Phone: 586-2831

Name of Fund: Patient's Compensation Fund  
Legal Authority: Act 232/84; Act 219, 1976  
Fund Type (MOF): T  
Approp. Acct. No. T-912-R

**Intended Purpose:** In 1976 this fund was established to provide doctors medical malpractice insurance for coverage in excess of their underlying policy from a commercial insurer.

**Current Program Activities:** The claims against the Fund exceed the available fund assets and as a result, the authority for this Fund, section 671, was repealed by Act 232, SLH 1984. The Act required the unpaid claims to be carried forward from year to year for possible payment as the Fund acquires additional assets for prorated distribution.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	1,102,000	1,130,501
Beginning Encumbrances		
Revenues	28,501	
Expenditures		
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	1,130,501	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow		
Accounts, or Other Investments as of 7/1/02		

**Report on Non-General Fund Information**  
for Submittal to the 2003 Legislature

Department: COMMERCE AND CONSUMER AFFAIRS

Date: November 1, 2002  
Prepared by: Kay M. Okimoto  
Phone: 586-2831

Name of Fund: State Certified Motor Vehicle Arbitration Fund

Legal Authority: HRS 481I

Fund Type (MOF): T

Approp. Acct. No. T-915-R

**Intended Purpose:** Administration of the State Certified Motor Vehicle Arbitration Program (Lemon Law) created pursuant to Chapter 481I, Hawaii Revised Statutes.

**Current Program Activities:** Implementation and administration of the State Certified Arbitration Program (Lemon Law) created pursuant to Chapter 481I, HRS.

<b>Financial Data</b>		
	FY 2002	FY 2003
Beginning Cash Balance	124,385	133,170
Beginning Encumbrances		30
Revenues	12,200	
Expenditures	3,415	
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	133,170	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

**Report on Non-General Fund Information**  
for Submittal to the 2003 Legislature

Department: COMMERCE AND CONSUMER AFFAIRS

Date: November 1, 2002  
Prepared by: Kay M. Okimoto  
Phone: 586-2831

Name of Fund: Insurance Commissioner's Education Training Fund

Legal Authority: 431:2-214, HRS: Act 348, 1987 SLH

Fund Type (MOF): T

Approp. Acct. No. T-917-R

**Intended Purpose:** This fund is used for the education and training of Insurance Division staff and personnel, and to pay for the cost of consumer education and information.

**Current Program Activities:** Reimburse staff and personnel for various education and training expenses, including insurance and computer courses, conferences, and seminars. Published annually, an insurer's automobile insurance premium comparison and the Report of the Insurance Commissioner for consumer information. Purchase of books and periodicals for staff education and training.

<b>Financial Data</b>		
	FY 2002	FY 2003
Beginning Cash Balance	1,251,297	387,539
Beginning Encumbrances		32,446
Revenues	173,137	
Expenditures	1,036,895	
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	387,539	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

**Report on Non-General Fund Information**  
for Submittal to the 2003 Legislature

Department: COMMERCE AND CONSUMER AFFAIRS

Date: November 1, 2002  
Prepared by: Kay M. Okimoto  
Phone: 586-2831

Name of Fund: Condominium Management Education Fund

Legal Authority: 514A-40(c), 131, 132, 133, HRS

Fund Type (MOF): T

Approp. Acct. No. T-918-R

**Intended Purpose:** See attached.

**Current Program Activities:** See attached.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	1,145,033	934,916
Beginning Encumbrances		11,413
Revenues	37,884	
Expenditures	301,686	
Transfers (List Each Transfer by JV# and Date)		
JT0462 1/10/01	53,685	
Net Total Transfers	53,685	
Amount Derived from Bond Proceeds		
Ending Cash Balance	934,916	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

**Intended Purpose:** As stated in §514A-131, HRS, the Condominium Management Education Trust Fund is intended to finance or promote: "(1) Education and research in the field of condominium management, condominium registration, and real estate for the benefit of the public and those required to be registered under this chapter; (2) The improvement and more efficient administration of condominium associations; (3) Expedient and inexpensive procedures for resolving condominium association disputes."

**Current Program Activities:**

Funding of Exempt Positions

- Provide funding for Condominium Specialists and Clerical positions, who service the programs below.

Information, Advice and Referral

- Respond to inquiries from the public, consumers, condominium owners, board of directors, condominium managing agents, real estate licensees, attorneys, educators, government officials and others via telephone, office walk-ins, written inquiries and applications and the website. FY02 included 11,387 telephone inquiries, 1,229 walk-in inquiries, 11,839 written inquiries and applications and 19,678 website inquiries.
- Administer condominium website.
- Administer condominium reference library program through State Libraries, other venues and in-house, providing publications and information to condominium owners and the public.
- Administer and provide information, as required under the Uniform Information Practices Act.
- Administer and maintain a public information self-help area in the office for walk-in traffic, which includes public information documents, educational materials and reference materials for public review.
- Arrange and conduct Condominium Specialists of the Day at various neighbor island sites.
- Study the feasibility of finding other means of providing access to condominium public information through computer discs or compact discs, State Libraries, webpage, etc.

Educational Research and Informational Materials

- Research, develop, publish and distribute quarterly condominium bulletin to all registered condominium associations and condominium managing agents, government officials, State Libraries and others in related areas.
- Research, develop, publish and distribute stand-alone chapters (brochures) for the Condominium Board of Directors Guide to all registered condominium associations, condominium managing agents, government officials, State Libraries and others in related areas.
- Print and distribute information and educational materials to new condominium associations and new condominium managing agents start-up kits.
- Research, develop and submit various articles for media publication.
- Develop and maintain website on the internet for dissemination of information, forms, publications, etc. for developers, associations, CMA's, condominium owners, and other interested parties.
- Print and distribute amended Chapter 514A to all registered condominium associations and condominium managing agents.
- Update, print and distribute updated Condominium Association Reserves Guide.
- Recodification of Chapter 514A, HRS: fund an attorney position; research and develop position drafts; present, exchange, discuss, and interact with the condominium community; develop and submit progress reports to the Legislature; develop and submit proposal to Governor and Legislature; work with the Legislature for passage and Governor for approval; provide for education program to the condominium community.

Rulemaking

- Research, develop and initiate rulemaking process for Chapter 107, HAR, including public workshops with those affected.

- Research, present, and receive recommendations for amendments to Chapter 107, HAR, and discuss and receive comments at the monthly Condominium Review Committee meetings with the condominium community.
- Research, study, and make recommendations concerning fees for Chapter 53, HAR, and assist the Professional and Vocational Licensing Division in the rulemaking process.

#### Mediation of Governance and Management Problems

- Administer contracts and provide funding for alternative dispute resolution through mediation, through the Neighborhood Justice Center and the Mediation Services of Maui.
- Secure mediation information and develop report to the Legislature and Governor.
- Continue to seek other mediation service vendors.
- Coordinate and administer joint complaint/mediation program with the Regulated Industries Complaints Office including funding of mediations.
- Research, development, publication, and distribution of brochure on dispute resolution alternatives.

#### Arbitration of Condominium Problems

- Administer program through American Arbitration Association and other arbitration organizations.

#### Condominium Project Registration and Public Reports

- Administer registration of new condominium projects, review of documents, owner-occupants reservation procedures, and public reports, including records management.
- Administer consultant contracts and the review of project documents and public reports.
- Administer public review of condominium project documents and public reports, including requests for copies.
- Conduct periodic meetings and workshops with the condominium consultants, developers and attorneys.

#### Administer Condominium Review Committee

- Administer and conduct monthly meetings of the Condominium Review Committee, standing committee of the Commission, including meetings at various neighbor island sites.
- Administration includes agenda, distribution of materials, room and equipment arrangements, oral testifiers, minutes, Committee Reports, post-meeting responsibilities.
- Conduct and administer periodic educational symposiums.

#### Administer Seminars, Workshops and Meetings

- Research, develop and conduct condominium seminars, workshops and special meetings with those in the condominium community.
- Administer seminar subsidy program, including contract administration.

#### Interactive Educational and Research Participation

- Educational speaker to organizations, government entities and others.
- Participate, exchange and network with local, state, national and international organizations and other governmental entities.
- Provide briefings to Legislators, testify on legislative bills and participate in other legislative matters.
- Research and report to the Legislature annually on condominium programs, budget and mediation programs.
- Research, coordinate, and implement Recodification Plan for Chapter 514A, HRS.

#### Administration of Condominium Association, Condominium Managing Agent Registrations, and Condominium Hotel Operators.

- Administer registration and biennial re-registration of condominium associations, condominium managing agents and condominium hotel operators, including applications, review/approval process and records management.
- Conduct periodic workshops and meetings with registrants.

DCCA Non-General Fund Information - Condominium Management Education Fund

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#### Administration of Budget and Biennial Plans

- Development and approval of Condominium Management Education Trust Fund budget.
- Administration of budget, investment of funds and any CPA audits.
- Research, development and submission of information and reports required by the Department, Budget and Finance, Governor and the Legislature.
- Research, development, approval and administration of the Biennial Education and Research Plan.

**Report on Non-General Fund Information**  
for Submittal to the 2003 Legislature

Department: COMMERCE AND CONSUMER AFFAIRS

Date: November 1, 2002  
Prepared by: Kay M. Okimoto  
Phone: 586-2831

Name of Fund: Real Estate Appraisers

Legal Authority: Chapter 466K, HRS; Title 16, §114; HAR

Fund Type (MOF): T

Approp. Acct. No. T-919-R

**Intended Purpose:** See attached.

**Current Program Activities:** See attached.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	4,430	4,855
Beginning Encumbrances		
Revenues	15,150	
Expenditures	14,725	
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	4,855	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

**Intended Purpose:**

The Legislature finds that the regulation of real estate appraisers is reasonably necessary to protect consumers. The Legislature further finds that 12 United States Code §3301 et seq. requires that real estate appraisals utilized in connection with federally related transactions be performed by individuals who are licensed or certified appraisers. The purposes of this chapter are to implement the requirements of 12 United States Code Sec §3301 et seq. and to require that all real estate appraisals be performed by licensed or certified appraisers. The requirements of this chapter do not apply to any real estate appraiser employed by any county for purposes of valuing real property for ad valorem taxation.

**Current Program Activities:** In addition to any other powers and duties authorized by law, the director shall have the following powers and duties:

1. To grant permission to practice as a certified real estate appraiser in this State pursuant to this chapter and 12 United States Code §3301 et seq. and the rules and regulations adopted pursuant thereto;
2. To adopt, amend, or repeal rules as the director finds necessary to effectuate fully this chapter and 12 United States Code §3301 et seq.;
3. To enforce this chapter and 12 United States Code §3301 et seq. and rules and regulations adopted pursuant thereto;
4. To discipline a certified real estate appraiser for any cause prescribed by this chapter or 12 United States Code §3301 et seq. for any violation of the rules and regulations and refuse to grant a person permission to practice as a certified real estate appraiser for any cause that would be grounds for disciplining a certified real estate appraiser;
5. To act as the designated representative of this State to implement 12 United States Code §3301 et seq.; and
6. To appoint an advisory committee to assist with the implementation of this chapter and 12 United States Code §3301 et seq. and the rules and regulations adopted pursuant thereto.

**Report on Non-General Fund Information**  
for Submittal to the 2003 Legislature

Department: COMMERCE AND CONSUMER AFFAIRS

Date: November 1, 2002

Prepared by: Kay M. Okimoto

Phone: 586-2831

Name of Fund: OCP Restitution Fund

Legal Authority: 487:14(c), HRS

Fund Type (MOF): T

Approp. Acct. No. T-920-R

**Intended Purpose:** To hold and disburse moneys received or recovered by the Office of Consumer Protection which are due to consumers as restitution.

**Current Program Activities:** We are continuing to collect and distribute restitution payments from this account pursuant to appropriate court orders and judgment.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	59,628	68,337
Beginning Encumbrances		
Revenues	26,230	
Expenditures	17,521	
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	68,337	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow Accounts, or Other Investments as of 7/1/02		

**Report on Non-General Fund Information**  
for Submittal to the 2003 Legislature

Department: COMMERCE AND CONSUMER AFFAIRS

Date: November 1, 2002

Prepared by: Kay M. Okimoto

Phone: 586-2831

Name of Fund: Escrow Depository Company Bond, Deposit

Legal Authority: \_\_\_\_\_

Fund Type (MOF): T

Approp. Acct. No. T-922-R

**Intended Purpose:** This trust account contains funds drawn under a Letter of Credit dated August 21, 1995 in the amount of \$100,000.00 and continues to secure and maintain the Escrow Depository Bond and Tri Party Agreement (the "Agreement") dated August 21, 1995 by and among T.I. of Hawaii, Inc., Director of DCCA, and the Commissioner. In addition to the principal, interest received is credited to this trust account. Under paragraph 9 of the Agreement, the funds in the trust account are required to be held for a minimum of six years after the cancellation of the escrow depository company license or June 30, 2004. The funds in this trust account would only be released in accordance with the Agreement.

**Current Program Activities:** See above information.

Financial Data		
	FY 2002	FY 2003
Beginning Cash Balance	116,217	120,513
Beginning Encumbrances		
Revenues	4,296	
Expenditures		
Transfers (List Each Transfer by JV# and Date)		
Net Total Transfers		
Amount Derived from Bond Proceeds		
Ending Cash Balance	120,513	
Amount Required for Bond Covenants as of 7/1/02		
Amount held in Certificates of Deposit, Escrow		
Accounts, or Other Investments as of 7/1/02		