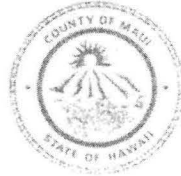


RICHARD T. BISSEN, JR.
Mayor

VICTORIA J. TAKAYESU
Corporation Counsel

MIMI DESJARDINS
First Deputy

LYDIA A. TODA
Risk Management Officer



RECEIVED

2025 APR 11 PM 2:05

OFFICE OF THE
COUNTY CLERK

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808)270-7740

April 11, 2025

Via email only at county.clerk@mauicounty.us

Honorable Alice L. Lee, Chair
and Members of the Council
County of Maui
Wailuku, Hawai'i 96793

SUBJECT: Settlement Authorization - AUTHORIZING SETTLEMENT OF THE
CLAIM OF MARK D. ROSS AGAINST THE COUNTY OF MAUI,
COUNTY OF MAUI RISK FILE 2024-0191

Dear Chair Lee and Council Members:

Please find attached separately a Proposed Resolution entitled "AUTHORIZING SETTLEMENT OF THE CLAIM OF MARK D. ROSS AGAINST THE COUNTY OF MAUI, COUNTY OF MAUI RISK FILE 2024-0191." The purpose of the proposed resolution is to discuss settlement authority with regards to the above-referenced claim filed with the County Clerk for the County of Maui.

I request that the proposed resolution be scheduled for discussion and action, or referral to the appropriate standing committee. For further information, I have also attached the Claim for Damage or Injury Mr. Mark D. Ross filed with the County Clerk for the County of Maui on August 27, 2024.

An Executive session may be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities and liabilities of the County, the Council, and/or the Committee.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your anticipated assistance in this matter.

Honorable Alice L. Lee, Chair
April 11, 2025
Page | 2

Sincerely,

A handwritten signature in black ink, appearing to read 'John J. Gores', written over the printed name.

JOHN J. GORES
Deputy Corporation Counsel

cc: Managing Director Josiah Nishita
Director of the Department of Public Works Jordan Molina

Attachments:

- (1) Proposed Resolution: "AUTHORIZING SETTLEMENT OF THE CLAIM OF MARK D. ROSS AGAINST THE COUNTY OF MAUI, COUNTY OF MAUI RISK FILE 2024-0191;"
- (2) Claim for Damage or Injury filed August 27, 2024

MOANA M. LUTEY
County Clerk



RICHELLE M. THOMSON
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

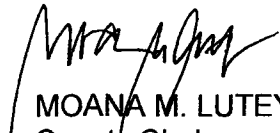
August 27, 2024

John Mullen & Company, Inc. (JMC)
Via email: claims@johnmullen.com

Attn: Unit Code 99

Respectfully transmitted is a copy of a claim against the County of Maui filed by Mark D. Ross, of 11 Kualono Place, Kula, which was received by our office on August 27, 2024.

Respectfully,



MOANA M. LUTEY
County Clerk

Attachment

cc: Mayor
Corporation Counsel
Council Chair

/djy

COUNTY OF MAUI
CLAIM FOR DAMAGE OR INJURY

RECEIVED

2024 AUG 27 PM 2: 21

PLEASE PRINT CLEARLY

1. Claimant: Mr. ☒ Mrs. ☐ Ms. ☐ Mark D. Ross
2. Address: 11 Kualono place
3. Telephone No. 808-276-8690 Email: markdennisross@hotmail.com

4. Date of Accident: November 2023
5. Location of Accident: 11 KUALONO PLACE KULA, HI 96790
6. Amount of Claim: Property Damage \$ QUOTES ATTACHED Personal Injury \$ _____

7. Describe the accident in detail. Indicate all the facts, causes, persons involved, witnesses, extent of damage, etc., and why you think the County is responsible. Attach additional sheets as needed.

Major damage to driveway

Did not protect driveway with protective mats that were on site. Drove over constantly with heavy equipment ur

PICTURE ATTACHED

8. If you carry insurance applicable to this claim, please provide the name and address of the insurance company and your policy number.

N/A

Policy No. _____

- A. Did you file a claim with your insurance company? no

If yes, amount claimed \$ _____ Deductible amount \$ _____

- B. If a claim was filed with your insurance company, what action do they intend to take?

I HEREBY DECLARE THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.

Mark D. Ross
(Signature of Claimant)

7/18/2024
(Date)



NOVEMBER
TO
DECEMBER 2023

Quote 1

Aaron's Masonry

PO Box 293
Kula, HI 96790-0293**Estimate**

Date	Estimate #
8/9/2024	357

Name / Address
Mark & Carol Ross 11 Kualono Place Kula, HI 96790

Description	Qty	Rate	Total
Demo driveway and haul out material Bring in base course for compaction. Form and grade Install rebar grid 4' on center with concrete wire mesh. Pump 3,000 psi 2.5 Line mix Install control joints or expansion joints. Broom finish Includes Material & Labor *Changes to scope of work, and price will be adjusted accordingly - Mahalo!	1	30,000.00	30,000.00T
Please feel free to contact me if you have any questions or concerns (808) 283-8315. Mahalo!		Subtotal	\$30,000.00
Phone #	E-mail	Sales Tax (4.712%)	\$1,413.60
808-283-8315	aaronsmasonry808@gmail.com	Total	\$31,413.60



Breen Builders, LLC

general contractor | License # BC 24202

153 E Kamehameha Ave Suite 104-490, Kahului, Maui, Hawaii 96732 | Phone (702) 271-2439 | david@breenbuilders.com

Setting the Standard

8/3/2024

Mark Ross

Driveway Demo and Re-pour

We propose the following budget:

ITEM #	DESCRIPTION	#	%	AMOUNT
Item 1	Demo concrete driveway 750sqft			\$18,000.00
	Demo and export			
Item 2	Form and prep for pour			
	Labor: 2 men, 3 days	2	3	\$3,960.00
Item 3	Pour Concrete			
	Labor: 6 men, 1 day	6	1	\$3,960.00
	Materials:			
	Concrete			\$3,600.00
	Form lumber, wire			\$495.00
	Consumables, other misc.			\$195.00
Item 4	Strip forms, clean up, sawcut joints			
	Labor: 2 men, 1.5 days	2	1.5	\$1,980.00
GC	General Conditions: Procurement, supervision, cleanup, safety			\$4,450.00
Subtotal				\$36,640.00
Insurance			2.00%	\$732.80
Oh/p			15.00%	\$5,605.92
GET			4.712%	\$1,177.00
Total				\$44,155.72



ITEM #

DESCRIPTION

#

%

AMOUNT



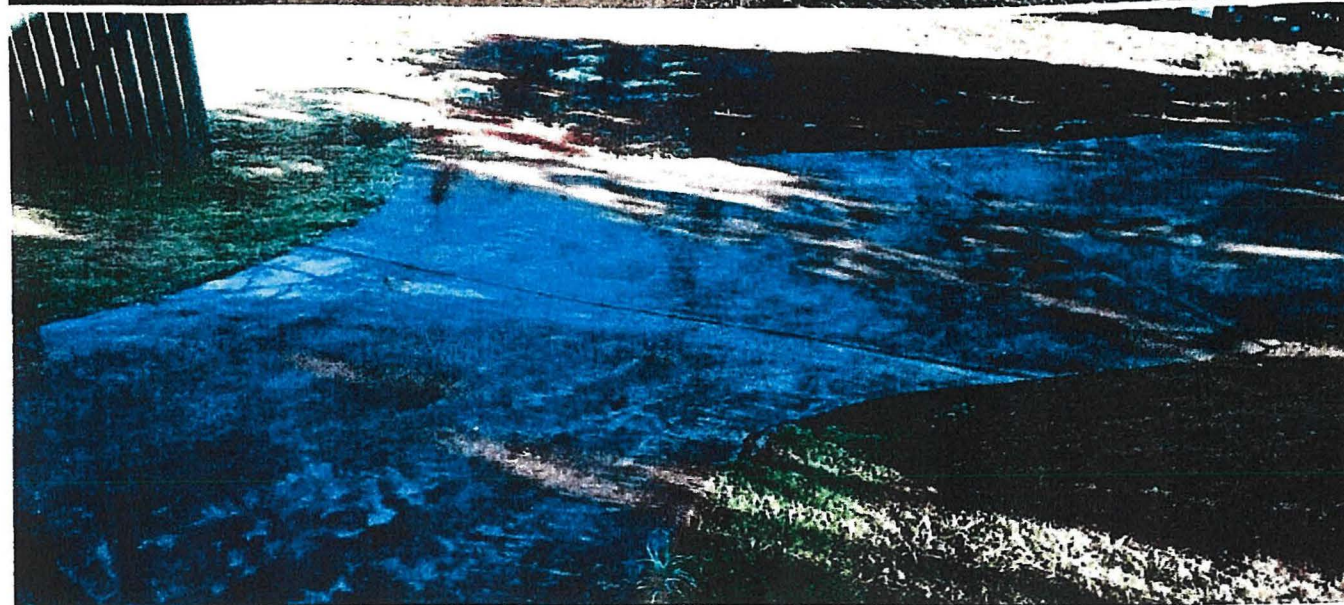
Quote 3

Driveway in Upper kula

cemiltanju@aol.com <cemiltanju@aol.com>

Mon 8/12/2024 9:45 AM

To: markdennisross@hotmail.com <markdennisross@hotmail.com>





This proposal includes all demo and removal delivery charges labor and material for a new driveway
Demo & removal =\$15,000

Labor

Set up =\$3520

Pour concrete = \$3250

Clean out =\$ 700

Saw cut expansion joints \$630

Labor Total =\$8,100

Materials

Concrete \$3000

Wood & wire =\$ 750

Miscellaneous =\$250

Material Total =\$4000

Total=\$27,100

Ins.=\$40.65

Oh/p=\$ 2,740

Tax 4.7 %=\$ 1,404.36

Total =\$ 31,245.01

Sent from AOL on Android

Mark D. Ross
11 Kualono Place
Kula, HI 96790

CLAIM FOR DAMAGE
11 Kualono Place, Kula, HI 96790

Please Deliver to:
Office of County Clerk
County of Maui
200 S. High Street, RM 708
Wailuku, HI 96793