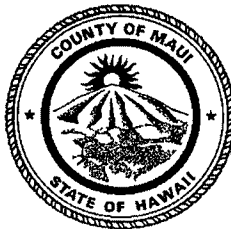


MICHAEL P. VICTORINO
Mayor

PATRICK K. WONG
Acting Corporation Counsel

EDWARD S. KUSHI, JR.
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7535
Fax No. (808) 270-1761



RECEIVED

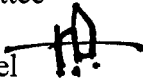
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OFFICE OF THE
COUNTY COUNCIL

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
FACSIMILE: (808) 270-7152

February 11, 2019

MEMO TO: Mike Molina, Chair
Governance, Ethics and Transparency Committee

FROM: Brian A. Bilberry, Deputy Corporation Counsel 

SUBJECT: LITIGATION MATTERS – Settlement of Claims and Lawsuits
(GET-11) AUTHORIZING SETTLEMENT OF COUNTY OF MAUI vs.
PEDRO TOLENTINO, JR., ET AL., CIVIL NO. 18-1-0124(1)

Our Department respectfully requests the opportunity to present information to the Governance, Ethics and Transparency Committee and to discuss a proposed settlement with regard to the above-referenced lawsuit. This matter is time sensitive and needs to be heard at the currently scheduled February 26, 2019 committee meeting.

A copy of Plaintiff County of Maui's Verified Complaint for Injunctive Relief and Damages, filed March 15, 2018, and a copy of the Resolution Authorizing Settlement of County of Maui vs. Pedro Tolentino, Jr. et al., Civil No. 18-1-0124(1), are attached.

It is anticipated that an executive session will be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities and liabilities of the County, the Council, and the Committee.

We request that a representative from the Department of Planning be in attendance during discussion of this matter. Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your anticipated assistance in this matter.

cc: Michele McLean, Planning Director

Resolution

No. _____

AUTHORIZING SETTLEMENT OF
COUNTY OF MAUI vs. PEDRO TOLENTINO, JR., ET AL.,
CIVIL NO. 18-1-0124(1)

WHEREAS, Plaintiff County of Maui and Department of Planning filed a Complaint in the Circuit Court of the Second Circuit, State of Hawaii, on March 15, 2018, Civil No. 18-1-0124(1), against Defendants Pedro Tolentino, Jr., and Eddie Bracerros Tolentino, to obtain an injunction to enforce compliance with the Maui County Code provisions which the Defendants Tolentinos were violating, and to enforce payment of the civil fines for said County Code violations; and

WHEREAS, Defendants filed their Answers on May 14, 2018; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this case by way of a negotiated settlement and stipulated dismissal; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle and stipulate to dismiss this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

Resolution No. _____

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised by the Department of the Corporation Counsel, the Council wishes to authorize the settlement and stipulated dismissal; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it approves settlement and stipulated dismissal of this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

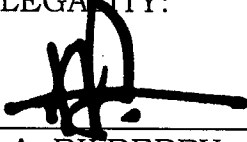
2. That it further authorizes the Mayor to execute a Stipulation for Dismissal on behalf of the County in this case under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

3. That it hereby authorizes the Director of Finance to satisfy as necessary said stipulated dismissal of this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Planning Director, and the Corporation Counsel.

APPROVED AS TO FORM

AND LEGALITY:



BRIAN A. BILBERRY
Deputy Corporation Counsel
County of Maui

DEPARTMENT OF THE CORPORATION COUNSEL **FILED 205**

PATRICK K. WONG 5878
Corporation Counsel
SHINKEN NAITOH 6071
BRIAN A. BILBERRY 7260
Deputies Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793
Telephone No.: (808) 270-7740
Facsimile No.: (808) 270-7152
Email: shinken.naitoh@co.maui.hi.us

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D. PELLAZAR, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

Attorneys for Plaintiff
COUNTY OF MAUI

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

COUNTY OF MAUI,

Plaintiff,

vs.

PEDRO TOLENTINO, JR.; EDDIE
BRACEROS TOLENTINO; JOHN DOES
1-10; JANE DOES 1-10; and DOE
ENTITIES 1-10,

Defendants.

CIVIL NO. **18-1-0124** (1)
(Other Civil Action)

PLAINTIFF COUNTY OF MAUI'S
VERIFIED COMPLAINT FOR
INJUNCTIVE RELIEF AND
DAMAGES; DECLARATION OF
MERLE TASHIRO; DECLARATION
OF GAIL DAVIS; DECLARATION OF
RYAN K. RODRIGUES;
DECLARATION OF CHALSEY
KWON; DECLARATION OF
SHINKEN NAITOH; EXHIBITS "A" -
"I"; SUMMONS

**PLAINTIFF COUNTY OF MAUI'S
VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES**

COMES NOW, Plaintiff COUNTY OF MAUI (hereinafter "COUNTY"), by and through its attorneys, PATRICK K. WONG, Corporation Counsel, and SHINKEN NAITOH and BRIAN BILBERRY, Deputies Corporation Counsel, and for claims for relief against Defendants, alleges as follows:

I hereby certify that this is a full, true and correct copy of the Original


Clerk, Second Circuit Court

PARTIES, PROPERTIES, AND JURISDICTION

1. Plaintiff COUNTY OF MAUI (hereinafter "County") is a political subdivision of the State of Hawaii, doing business in the County of Maui, State of Hawaii.

2. Defendants PEDRO TOLENTINO, JR., and EDDIE BRACEROS TOLENTINO (hereinafter "Defendants") are residents of the County of Maui, State of Hawaii.

3. JOHN DOES 1-10; JANE DOES 1-10 and DOE ENTITIES 1-10 ("DOE Defendants") are unidentified persons or entities whose conduct have been a legal cause of the County's damages. County has reviewed relevant records and has diligently and in good faith attempted to ascertain the names and identities of those possible defendants, but their identities presently remain unknown to County.

4. Defendants are the owners of record of real property identified as Tax Map Key (2) 4-9-005:045-0000, located at 1017 Houston Street, Lanai City, Hawaii (hereinafter referred to as "the Houston Street Property").

5. Defendant PEDRO TOLENTINO, JR., is an owner of record of real property identified as Tax Map Key (2) 4-9-008:028-0000, located at 260 Ilima Place, Lanai City, Hawaii (hereinafter referred to as "the Ilima Place Property").

6. County brings this action for relief pursuant to Hawaii Revised Statutes § 46-1.5. This Court has jurisdiction over the parties and subject matter pursuant to Hawaii Revised Statutes § 603-21.5 and § 603-23, and Chapter 19 of the Maui County Code.

COUNT I: DAMAGES/FINE FOR HOUSTON STREET PROPERTY

7. County realleges and incorporates herein by reference all the allegations set forth in Paragraphs 1-6 above, as though fully set forth and alleged herein.

8. On or about September 30, 2014, a Zoning Inspector of the Department of Planning, County of Maui, based on information obtained with respect to the Houston Street Property, noted that commercial auto repair was being performed at the Houston Street Property located within the County's Residential District, in violation of Section 19.08.020 of the Maui County Code (hereinafter, the "Houston Street Violation").

9. On or about October 16, 2014, a NOTICE OF WARNING AND REQUEST TO CORRECT APPARENT VIOLATION(S) ("Houston Street Warning Letter") was sent to Defendants via certified mail, return receipt requested, noting the Houston Street Violation and informing them that they have until October 30, 2014, to correct the violation; that if the violation continues upon further investigation, they will be subject to civil and possible criminal enforcement action; and that the civil fines for continued violation are an initial fine of \$1,000 and a daily fine of \$1,000 for each day the violation continues. A copy of the Houston Street Warning Letter and a copy of the signed and dated return receipt as proof of service by certified mail, are attached hereto as Exhibit "A."

10. Defendants did not correct the violation; and the Houston Street Violation continued past October 30, 2014.

11. On or about February 6, 2015, a Notice of Violation and Order # 2015/0001 (hereinafter "Houston Street NOV and Order") was sent to Defendants by certified mail, return receipt requested, but no signed return receipt therefor was

returned to County it was returned to County, and the mailing itself was also never returned to County. See Declaration of Merle Tashiro. A copy of the February 6, 2015 Houston Street NOV and Order is attached hereto as Exhibit "B."

12. The Houston Street NOV and Order was re-issued on or about June 28, 2016, and this time, it was caused to be hand-delivered to Defendants and in the event hand-delivery fails, to be posted in a conspicuous place on the Houston Street Property; hand-delivery failed, and the Houston Street NOV and Order was posted on the Houston Street Property. Copies of the re-issued and posted Houston Street NOV and Order and a photograph of the posting of same are attached hereto as Exhibit "C."

13. The Houston Street NOV and Order stated the Houston Street Violation, that commercial auto repair is not permitted in the County's Residential District under Section 19.08.020 of the Maui County Code.

14. Defendants were ordered in the Houston Street NOV and Order to cease and desist immediately from the violation; Defendants were further ordered to correct the violation at their own expense by July 12, 2016, by ceasing all auto repairs and removing all vehicles not registered under the names of Defendants; and to pay an initial civil fine in the amount of \$1,000 by July 12, 2016, and a daily civil fine of \$1,000 per day if the violation is not corrected as described above by July 12, 2016.

15. Defendants moved or caused to be moved some, but not all, of the vehicles not registered to Defendants from the Houston Street Property to the Ilima Place Property; and Defendants continued to perform commercial automobile repair services on the Houston Street Property past July 12, 2016; See Declaration of Ryan K. Rodrigues.

16. Defendants therefore did not comply with the Houston Street NOV and Order, and continued to be in violation past July 12, 2016.

17. Defendants did not appeal the Houston Street NOV and Order and the fine imposed thereunder with the Board of Variances and Appeals, County of Maui, see Declaration of Chalsey Kwon, and therefore pursuant to M.C.C. § 19.530.030(C), the Houston Street NOV and Order is final.

18. On or about April 20, 2017, County of Maui Corporation Counsel sent a demand letter via certified mail, return receipt requested, informing Defendants that the outstanding civil fines Defendants owe to the County total \$790,000.00 as of that date, that the daily fines continue to accrue, and that if Defendants do not contact the County Corporation Counsel by May 4, 2017, that the County may, among other remedies it may seek, commence a lawsuit against Defendants to collect the unpaid fines. The demand letter was returned undelivered. See Declaration of Shinken Naitoh. Copies of the demand letter mailed on or about April 20, 2017, the unsigned return receipt for that mailing, and the envelope for same marked "RETURN TO SENDER, UNCLAIMED, UNABLE TO FORWARD," are attached hereto as Exhibit "D".

19. As of the date of the filing of this Complaint for Injunctive Relief and Damages, Defendants have not paid any of the civil fines imposed upon Defendants under the Houston Street NOV and Order.

20. Pursuant to Maui County Code § 19.530.030, Defendants are obligated to pay civil penalties and fines in the amount to be shown at the time of trial.

COUNT II: INJUNCTIVE RELIEF FOR HOUSTON STREET PROPERTY

21. County realleges and incorporates herein by reference all the allegations set forth in Paragraphs 1-20 above, as though fully set forth and alleged herein.

22. As of the date of the filing of this Verified Complaint for Injunctive Relief and Damages, Defendants have not corrected the Houston Street Violation and have not brought the Houston Place Property into compliance with the Maui County Code.

23. County will suffer irreparable harm and injury by virtue of Defendants' continuing violation and is without an adequate remedy at law if Defendants are not compelled to correct the violations of Chapter 19 of the Maui County Code (Zoning) at the Houston Street Property.

24. If County does not simultaneously address the violations at the Houston Street Property and the Ilima Place Property, Defendants may continue to attempt to circumvent code compliance by moving the vehicles back and forth from one property to the other.

COUNT III: DAMAGES/FINE FOR ILIMA PLACE PROPERTY

25. County realleges and incorporates herein by reference all the allegations set forth in Paragraphs 1-24 above, as though fully set forth and alleged herein.

26. On or about January 4, 2017, a Zoning Inspector of the Department of Planning, County of Maui, based on information obtained with respect to the Ilima Place Property, noted that the Ilima Place Property was being used as a salvage yard or for vehicle storage (or both), neither of which is a permitted use within the County's Residential District, and thus in violation of Section 19.08.020 of the Maui County Code (hereinafter, the "Ilima Place Violation").

27. On or about January 5, 2017, a NOTICE OF WARNING AND REQUEST TO CORRECT APPARENT VIOLATION(S) ("Ilima Place Warning Letter") was sent to Defendant PEDRO TOLENTINO, JR. ("Defendant") and other owners of record of the Ilima Place Property via certified mail, return receipt requested, but it was returned to County undelivered. Copies of the Ilima Place Warning letter mailed on or about January 5, 2017, an unsigned return receipt for the mailing, and an envelope for same marked "RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD," is attached hereto as Exhibit "E."

28. The Ilima Place Warning Letter was re-issued on or about February 28, 2017. This time, the warning letter was caused to be posted in a conspicuous place on the Ilima Place Property. See Declaration of Ryan K. Rodrigues. Copies of the February 28, 2017, Ilima Place Warning Letter and a photograph of the posting of same are attached hereto as Exhibit "F." The Ilima Place Warning Letter informed Defendant of the Ilima Place Violation, and that Defendant has until March 13, 2017, to correct the violation; that if the violation continues upon further investigation, Defendant will be subject to civil and possible criminal enforcement action; and that the civil fines for continued violation are an initial fine of \$1,000 and a daily fine of \$1,000 for each day the violation continues.

29. Defendant did not correct the violation; and the Ilima Place Violation continued past March 13, 2017.

30. On or about March 21, 2017, a Notice of Violation and Order # 2017/0017 (hereinafter "Ilima Place NOV and Order") was mailed via certified mail, return receipt requested, but it was returned to County undelivered. Copies of the Ilima Place NOV

and Order mailed on or about March 21, 2017, and an envelope for that certified mailing marked "RETURN TO SENDER, UNCLAIMED, UNABLE TO FORWARD," are attached hereto as Exhibit "G."

31. The Ilima Place NOV and Order was re-issued on or about April 27, 2017, and this time, it was caused to be posted in a conspicuous place on the Ilima Place Property, see Declaration of Ryan K. Rodrigues. Copies of the re-issued Ilima Place NOV and Order and a photograph of the posting of same are attached hereto as Exhibit "H."

32. The Ilima Place NOV and Order stated the Ilima Place Violation, that the use of Ilima Place Property located in the County's Residential District as salvage yards and/or vehicle storage is not permitted under Section 19.08.020 of the Maui County Code.

33. Defendant was ordered in the Ilima Place NOV and Order to cease and desist immediately from the violation; Defendant was further ordered to correct the violation at his own expense by May 4, 2017, by removing all vehicles not registered under the name of Defendant; and to pay an initial civil fine in the amount of \$1,000 by May 27, 2017, and a daily civil fine of \$1,000 per day if the Ilima Place Violation is not corrected as described above by May 4, 2017

34. Defendant moved or caused to be moved some of the vehicles back to the Houston Street Property, but otherwise, Defendant continued to use the Ilima Place Property as a salvage yard or vehicle storage. See Declaration of Ryan K. Rodrigues.

35. Defendant therefore did not comply with the Ilima Place NOV and Order; and continued to be in violation past May 4, 2017.

36. Defendant did not appeal the Ilima Place NOV and Order and the fine imposed thereunder with the Board of Variances and Appeals, County of Maui, see Declaration of Chalsey Kwon, and therefore pursuant to M.C.C. § 19.530.030(C), the Ilima Place NOV and Order is final.

37. On October 3, 2017, County of Maui Corporation Counsel sent a demand letter via certified mail, return receipt requested, informing Defendant that the outstanding civil fines Defendants owe to the County total \$153,000.00 as of that date, that the daily fines continue to accrue, and that if Defendant does not contact the County Corporation Counsel by October 13, 2017, that the County may, among other remedies it may seek, commence a lawsuit against Defendant to collect the unpaid fines. The demand letter was returned undelivered. See Declaration of Shinken Naitoh. Copies of the demand letter mailed on or about October 3, 2017, the unsigned return receipt for that mailing, and the envelope for same marked "RETURN TO SENDER, ATTEMPTED - NOT KNOWN, UNABLE TO FORWARD," are attached hereto as Exhibit "I".

38. As of the date of the filing of this Complaint for Injunctive Relief and Damages, Defendant has not paid any of the civil fines imposed upon Defendant under the Ilima Place NOV and Order.

39. Pursuant to Maui County Code § 19.530.030, Defendant is obligated to pay civil penalties and fines in the amount to be shown at the time of trial.

COUNT IV: INJUNCTIVE RELIEF FOR ILIMA PLACE PROPERTY

40. County realleges and incorporates herein by reference all the allegations set forth in Paragraphs 1-39 above, as though fully set forth and alleged herein.

41. As of the date of the filing of this Verified Complaint for Injunctive Relief and Damages, Defendant has not corrected the Ilima Place Violation and has not brought the Ilima Place Property into compliance with the Maui County Code.

42. Abandoned vehicles on the Ilima Place Property have caught on fire while Defendant performed repair work on those vehicles, at least in one instance causing fire on the property that not only burned down the entire home located thereon, but also resulted in damage to the neighboring property; for that reason, allowing the Ilima Place Violation and the Houston Street Violation poses a significant risk of physical harm and injury not only to Defendants, but also to those people residing close to them. See Declaration of Ryan K. Rodrigues.

43. County will suffer irreparable harm and injury by virtue of Defendant's continuing violation and is without an adequate remedy at law if Defendant is not compelled to correct the violations of Chapter 19 of the Maui County Code (Zoning) at the Ilima Place Property.

44. If County does not simultaneously address the violations at the Ilima Place Property and the Houston Street Property, Defendants may continue to attempt to circumvent code compliance by moving vehicles back and forth from one property to the other.

WHEREFORE, the County prays as follows:

A. That the Court issue a judgment that Defendants are in violation of the Maui County Code.

B. That Defendants be ordered to pay County the applicable fines for Defendants' violations of the Maui County Code.

C. That an Injunction be issued pursuant to Maui County Code § 19.530 and Hawaii Rules of Civil Procedure Rule 65 enjoining Defendants to correct both the Houston Street Violation and the Ilima Place Violation by ceasing all auto repairs on and removing all vehicles not owned by Defendants from the Houston Street Property and the Ilima Place Property.

D. That the County be awarded all of its court costs and reasonable attorney's fees and any costs that may be incurred by the County in eliminating the violation on Defendants' property.

E. That the County be awarded such other relief the Court deems appropriate, including injunctive relief, prior to final judgment.

DATED: Wailuku, Maui, Hawaii, MAR 15 2018

PATRICK K. WONG
Corporation Counsel
Attorneys for Plaintiff
COUNTY OF MAUI

By 
SHINKEN NAITOH
Deputy Corporation Counsel

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

COUNTY OF MAUI,

Plaintiff,

vs.

PEDRO TOLENTINO, JR., EDDIE
BRACEROS TOLENTINO; JOHN DOES 1-
10; JANE DOES 1-10; and DOE ENTITIES 1-
10,

Defendants.

CIVIL NO.
(Other Civil Action)

DECLARATION OF MERLE TASHIRO

DECLARATION OF MERLE TASHIRO

MERLE TASHIRO hereby declares as follows:

1. I am the Zoning Inspector for the Zoning Administration and Enforcement Division of the Department of Planning, County of Maui, and I am a custodian of records for Plaintiff in the above-entitled action.
2. I make this declaration in support of Plaintiff's Verified Complaint for Injunctive Relief and Damages.
3. I am competent to make this declaration based on personal knowledge.
4. I have read the foregoing Verified Complaint for Injunctive Relief and Damages.

I know the contents thereof as they relate to real property identified as Tax Map Key (2) 4-9-005:045-0000, located at 1017 Houston Street, Lanai City, Hawaii (hereinafter referred to as "the Houston Street Property"), and the same are true and correct.

5. Attached as Exhibit "A" to the Verified Complaint for Injunctive Relief and Damages are true and correct copies of the warning letter, mailed on or about October 16, 2014, from County to Defendants, relating to the Maui County Zoning Code violation pertaining to

Houston Street Property ("Houston Street Violation"), and the signed and dated return receipt as proof of service by certified mail.

6. Notice of Violation and Order #2015/0001 relating to the Houston Street Violations ("Houston Street NOV and Order") was mailed from County to Defendants on or about February 6, 2015, by certified mail, return receipt requested. No signed return receipt for that mailing was returned to County; and the mailing itself was never returned to County. Attached as Exhibit "B" to the Verified Complaint for Injunctive Relief and Damages is a true and correct copy of the Houston Street NOV and Order mailed to Defendants on or about February 6, 2015, relating to Houston Street Violations.

7. On or about June 28, 2016, because service by certified mailing of the Houston Street NOV and Order failed, I caused the re-issued Houston Street NOV and Order to be hand-delivered to Defendants by Lieutenant Ryan K. Rodrigues of the Maui Police Department, and in the event hand-delivery fails, to have the re-issued Houston Street NOV and Order posted in a conspicuous place on the Houston Street Property in compliance with the RULES FOR ADMINISTRATIVE PROCEDURES AND CIVIL FINES FOR VIOLATIONS OF CHAPTER 16.13 AND TITLE 19 OF THE MAUI COUNTY CODE, Section 12-103-6 on "Service of notice of violation and order." Attached as Exhibit "C" to the Verified Complaint for Injunctive Relief and Damages are true and correct copies of the Houston Street NOV and Order that was re-issued on or about June 28, 2016, and a photograph of the posting of same received from Lieutenant Ryan K. Rodrigues.

I, Merle Tashiro, declare under penalty of law that the foregoing is true and correct

DATED: Wailuku, Maui, Hawaii, February 28, 2018



MERLE TASHIRO

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

COUNTY OF MAUI,

Plaintiff,

vs.

PEDRO TOLENTINO, JR., EDDIE
BRACEROS TOLENTINO; JOHN DOES 1-
10; JANE DOES 1-10; and DOE ENTITIES 1-
10,

Defendants.

CIVIL NO.
(Other Civil Action)

DECLARATION OF GAIL DAVIS

DECLARATION OF GAIL DAVIS

GAIL DAVIS hereby declares as follows:

1. I am the Zoning Inspector for the Zoning Administration and Enforcement Division of the Department of Planning, County of Maui, and I am a custodian of records for Plaintiff in the above-entitled action.
2. I make this declaration in support of Plaintiff's Verified Complaint for Injunctive Relief and Damages.
3. I am competent to make this declaration based on personal knowledge.
4. I have read the foregoing Verified Complaint for Injunctive Relief and Damages.

I know the contents thereof as they relate to real property identified as Tax Map Key (2) 4-9-008:028-0000, located at 260 Ilima Place, Lanai City, Hawaii (hereinafter referred to as "the Ilima Place Property"), and the same are true and correct.

5. The first NOTICE OF WARNING AND REQUEST TO CORRECT APPARENT VIOLATION(S) ("Ilima Place Warning Letter") relating to the Maui County Zoning Code violation pertaining to the Ilima Place Property ("Ilima Place Violation") was mailed to Defendant Pedro Tolentino, Jr. ("Defendant") and other owners of record of the Ilima Place

Property on or about January 5, 2017, via certified mail, return receipt requested. The Ilima Place Warning Letter mailed on or about January 5, 2017, was returned to County undelivered.

6. Attached as Exhibit "E" to the Verified Complaint for Injunctive Relief and Damages are true and correct copies of the Ilima Place Warning letter mailed to Defendant on or about January 5, 2017; the unsigned return receipt for the mailing; and the envelope for same marked "RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD."

7. Attached as Exhibit "F" to the Verified Complaint for Injunctive Relief and Damages is a true and correct copy of the Ilima Place Warning Letter re-issued on or about February 28, 2017. Because the Ilima Place Warning letter mailed on or about February 28, 2017, was returned to County undelivered, I caused the re-issued Ilima Place Warning Letter to be posted in a conspicuous place on the Ilima Place Property by Lieutenant Ryan K. Rodrigues of the Maui Police Department.

8. Notice of Violation and Order #2017/0017 relating to the Ilima Place Violation ("Ilima Place NOV and Order") was mailed from County to Defendant on or about March 21, 2017, by certified mail, return receipt requested. The Ilima Place NOV and Order mailed on or about March 21, 2017, was returned to County undelivered.

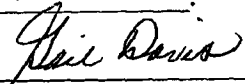
9. Attached as Exhibit "G" to the Verified Complaint for Injunctive Relief and Damages are true and correct copies of the Ilima Place NOV and Order mailed to Defendant on or about March 21, 2017, relating to the Ilima Place Violation, and the envelope for same marked "RETURN TO SENDER, UNCLAIMED, UNABLE TO FORWARD."

10. Attached as Exhibit "H" to the Verified Complaint for Injunctive Relief and Damages are true and correct copies of the Ilima Place NOV and Order that was re-issued on or

about April 27, 2017, and a photograph of the posting of same. Because the Ilima Place NOV and Order mailed to Defendant on or about March 21, 2017, was returned to County undelivered, I caused the re-issued Ilima Place NOV and Order to be posted in a conspicuous place on the Ilima Place Property by Lieutenant Ryan K. Rodrigues of the Maui Police Department, in compliance with the RULES FOR ADMINISTRATIVE PROCEDURES AND CIVIL FINES FOR VIOLATIONS OF CHAPTER 16.13 AND TITLE 19 OF THE MAUI COUNTY CODE, Section 12-103-6 on "Service of notice of violation and order."

I, Gail Davis, declare under penalty of law that the foregoing is true and correct

DATED: Wailuku, Maui, Hawaii, 3/13/18



GAIL DAVIS

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

COUNTY OF MAUI,

Plaintiff,

vs.

PEDRO TOLENTINO, JR., EDDIE
BRACEROS TOLENTINO; JOHN DOES 1-
10; JANE DOES 1-10; and DOE ENTITIES 1-
10,

Defendants.

CIVIL NO.
(Other Civil Action)

DECLARATION OF RYAN K.
RODRIGUES

DECLARATION OF RYAN K. RODRIGUES

RYAN K. RODRIGUES hereby declares as follows:

1. I am a Lieutenant Commander of the Lanai District of the Maui Police

Department, and at all times relevant in this matter, served on the island of Lanai, County of Maui.

2. I make this declaration in support of Plaintiff's Verified Complaint for Injunctive Relief and Damages.

3. I am competent to make this declaration based on personal knowledge.

4. I have read the foregoing Verified Complaint for Injunctive Relief and Damages.

I know the contents thereof as they relate to the use and condition of, and incidents such as fire relating to, the real property identified as Tax Map Key (2) 4-9-005:045-0000, located at 1017 Houston Street, Lanai City, Hawaii (hereinafter referred to as "the Houston Street Property"), and the real property identified as Tax Map Key (2) 4-9-008:028-0000, located at 260 Ilima

Place, Lanai City, Hawaii (hereinafter referred to as "the Ilima Place Property"), and also as they relate to my role in law enforcement pertaining to those real properties, and the same are true and correct.

5. Attached as Exhibit "C" to the Verified Complaint for Injunctive Relief and Damages is a true and correct copy of the Notice of Violation and Order dated June 28, 2016 (NOV #2015/0001), which, upon request from Merle Tashiro, Zoning Inspector of the County of Maui Planning Department, on or about June 28, 2016, I attempted to hand deliver to Pedro Tolentino, Jr., and upon failure to locate him at the Houston Street Property, posted same in a conspicuous place thereon, in compliance with the RULES FOR ADMINISTRATIVE PROCEDURES AND CIVIL FINES FOR VIOLATIONS OF CHAPTER 16.13 AND TITLE 19 OF THE MAUI COUNTY CODE, Section 12-103-6 on "Service of notice of violation and order;" and also, on June 30, 2016, I further handed said Notice and Order to Pedro Tolentino, Jr., in person at his place of residence. Also attached as Exhibit "C" is a true and correct copy of a photograph of the posted notice taken by me on June 28, 2016.

6. Pedro Tolentino, Jr. moved some, but not all, of the vehicles not registered to him that were parked on the Houston Street Property to the Ilima Place Property.

7. Attached as Exhibit "F" to the Verified Complaint for Injunctive Relief and Damages is a true and correct copy of the NOTICE OF WARNING AND REQUEST TO CORRECT APPARENT VIOLATION(S) with respect to the Ilima Place Property dated February 28, 2017, which, upon request from Gail Davis, Zoning Inspector of the County of Maui Planning Department, I posted on or about February 28, 2017, in a conspicuous place on the Ilima Place Property, consistent with the procedure set forth in the RULES FOR

ADMINISTRATIVE PROCEDURES AND CIVIL FINES FOR VIOLATIONS OF CHAPTER 16.13 AND TITLE 19 OF THE MAUI COUNTY CODE, Section 12-103-6 on "Service of notice of violation and order." Also attached as Exhibit "F" is a true and correct copy of a photograph of the posted warning taken by me.

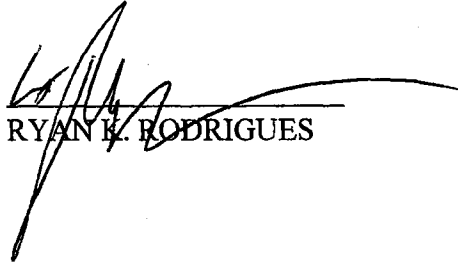
8. Attached as Exhibit "H" to the Verified Complaint for Injunctive Relief and Damages is a true and correct copy of the Notice of Violation and Order dated April 27, 2017 (NOV #2017/0017), which, upon request from Gail Davis, Zoning Inspector of the County of Maui Planning Department, I posted in a conspicuous place on the Ilima Place Property, in compliance with the RULES FOR ADMINISTRATIVE PROCEDURES AND CIVIL FINES FOR VIOLATIONS OF CHAPTER 16.13 AND TITLE 19 OF THE MAUI COUNTY CODE, Section 12-103-6 on "Service of notice of violation and order." Also attached as Exhibit "H" is a true and correct copy of a photograph of the posted notice taken by me.

9. Pedro Tolentino, Jr. moved some, but not all, of the vehicles not registered to him that were parked on the Ilima Place Property back to the Houston Place Property, but otherwise continued to use the Ilima Place Property as salvage yard or for vehicle storage.

10. Abandoned vehicles on the Ilima Place Property have caught on fire while Pedro Tolentino, Jr. performed repair work on those vehicles, at least in one instance causing fire on the property that not only burned down the entire home located thereon, but also resulted in damage to the neighboring property; for that reason, allowing abandoned vehicles to be stored and to be worked on by Pedro Tolentino, Jr. both at the Ilima Place Property and the Houston Street Property, pose a significant risk of physical harm and injury not only to the owners of those properties, but also to those people residing close to them.

I, Ryan K. Rodrigues, declare under penalty of law that the foregoing is true and correct

DATED: Wailuku, Maui, Hawaii, 3/2/18.


RYAN K. RODRIGUES

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

COUNTY OF MAUI,

Plaintiff,

vs.

PEDRO TOLENTINO, JR., EDDIE
BRACEROS TOLENTINO; JOHN DOES 1-
10; JANE DOES 1-10; and DOE ENTITIES 1-
10,

Defendants.

CIVIL NO.
(Other Civil Action)

DECLARATION OF CHALSEY KWON

DECLARATION OF CHALSEY KWON

I, Chalsey Kwon, hereby declare as follows:

1. I am the Secretary to Boards and Commissions who primarily staffs the Board of Variances and Appeals (BVA), Department of Planning, County of Maui, and am one of the custodians of records. All BVA documents are received and kept in accordance with its regular practice and are maintained in the regular course of its business. At the request of the Department of Planning, I conducted a search of all BVA records for the following:

- a. any and all requests for a hearing or other notices of appeal regarding Notice of Violation No. 2015/0001; and
- b. any and all requests for a hearing or other notices of appeal regarding Notice of Violation No. 2017/0017; and
- c. any and all correspondence to the Board from Pedro Tolentino, Jr. or Eddie Tolentino, or both, from February 6, 2015 to present; and
- d. any and all correspondence, requests or other documents relating to either 1017 Houston Street, Lanai City, Hawaii or Tax Map Key (2) 4-9-005:045-0000; and

e. any and all correspondence, requests or other documents relating to either
260 Ilima Place, Lanai City, Hawaii or Tax Map Key (2) 4-9-008:028-0000.

2. No documents were located.
3. To the best of my knowledge, no requests for appeal or hearing were made
regarding these Notices of Violation or these properties.

I, Chalsey Kwon, declare under penalty of the law that the foregoing is true and correct.

DATED: Wailuku, Maui, Hawaii, February 27, 2018.

Chalsey Kwon
CHALSEY KWON

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

COUNTY OF MAUI,

Plaintiff,

vs.

PEDRO TOLENTINO, JR., EDDIE
BRACEROS TOLENTINO; JOHN DOES 1-
10; JANE DOES 1-10; and DOE ENTITIES 1-
10,

Defendants.

CIVIL NO.

(Other Civil Action)

DECLARATION OF SHINKEN NAITOH

DECLARATION OF SHINKEN NAITOH

SHINKEN NAITOH does hereby declare:

1. I am a duly appointed Deputy Corporation Counsel and am one of the attorneys representing Plaintiff County of Maui.
2. I make this declaration upon personal knowledge and am competent to testify as to the matters stated herein.
3. Attached as Exhibit "D" to the Verified Complaint for Injunctive Relief and Damages are true and correct copies of the demand letter pertaining to Maui County Code violations at real property identified as Tax Map Key (2) 4-9-005:045-0000, located at 1017 Houston Street, Lanai City, Hawaii, mailed on or about April 20, 2017, to Defendants Pedro Tolentino, Jr., and Eddie Braceros Tolentino, the unsigned return receipt for that mailing, and the envelope for same marked "RETURN TO SENDER, UNCLAIMED, UNABLE TO FORWARD."
4. Attached as Exhibit "I" to the Verified Complaint for Injunctive Relief and Damages are true and correct copies of the demand letter pertaining to Maui County Code

violations at real property identified as Tax Map Key (2) 4-9-008:028-0000, located at 260 Ilima Place, Lanai City, Hawaii mailed on or about October 3, 2017, to Defendant Pedro Tolentino, Jr., the unsigned return receipt for that mailing, and the envelope for same marked "RETURN TO SENDER, ATTEMPTED - NOT KNOWN, UNABLE TO FORWARD."

I declare under penalty of perjury under the laws of the State of Hawaii that the above is true and correct.

DATED: Wailuku, Maui, Hawaii, MAR 15 2018


SHINKEN NAITOH

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

October 16, 2014

Certified Receipt No. (7013 2630 0001 5132 5085)
Pedro Tolentino
Eddie Tolentino
P.O. Box 630308
Lanai City, Hawaii 96763

Dear Mr. Tolentino Tolentino:

RE: NOTICE OF WARNING AND REQUEST TO CORRECT APPARENT VIOLATION(S)

TMK: (2) 4-9-005:045-0000

RFS No.: 14-0001350

Description: For commercial auto repair located at 1017 Houston Street, Lanai City, Hawaii, on the island of Lanai

Based on information obtained, we have reason to believe that on your property, on or before September 30, 2014, there were one or more violations. Commercial auto repair is not permitted within the County's Residential District pursuant to Maui County Code, including but not limited to Chapters/Sections 19.08.020.

The information obtained includes: MPD officer statement.

You must correct any violation(s) by **October 30, 2014**. We will investigate further, and if we find any of the above-described apparent violations, you will be subject to civil and possible criminal enforcement action.

Civil Fines for the violation will be 1) an initial fine of \$1,000; and 2) a daily fine of \$1,000 for each day the violation continues.

This request is only for violations of regulations that are enforced by the Department of Planning. There may be additional violations of regulations that are enforced by other County, State, or Federal agencies. If you have any questions about this request, please contact me at Conklin.Wright@co.maui.hi.us or (808) 270-8255; and please refer to RFS 14-0001350.

Sincerely,

A handwritten signature in black ink, appearing to read "Conklin Wright".

Conklin Wright
Zoning Inspector

xc: Jay Arakawa, Supervising Zoning Inspector (PDF)
Conklin Wright, Zoning Inspector (PDF)
14-0001350 (KIVA; RFS File)

JSR:JAA:GW:amb S:\ZONING\RFS\2014\1350_Tolentino_use\NOWNOW1_use.wpd

ONE MAIN PLAZA BUILDING / 2200 MAIN STREET, SUITE 315 / WAILUKU, MAUI, HAWAII 96783
MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

EXHIBIT " A "

Complete name of sender. Also, complete name of Restricted Delivery recipient.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, if possible.

Pedro Tolentino or
 Eddie Tolentino
 P.O. Box 630308
 Lanai City HI 96763

RESTRICTED DELIVERY

Signature: *[Handwritten Signature]*
 Date: *[Handwritten Date]*
 Adult Signature
 Restricted Delivery

Delivery address different from item #1
 Yes
 No
 If Yes, enter delivery address below:

Certified Mail
 Registered Mail
 Return Receipt for Merchandise
 Restricted Delivery, Post Net

Article Number: 7013 2430 0001 5132 5045
 Date: 02/11/2004

UNITED STATES POSTAL SERVICE



Sender: Place your return address and ZIP+4 in this box.

COUNTY OF NYAU

Department of Planning

220 Millin Street Suite 616

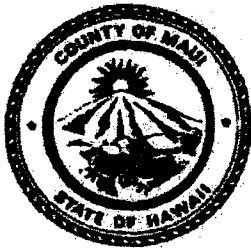
ELIZABETH, NJ 07208

COUNTY OF NYAU

02191 211

POSTNET

Handwritten: 02191 211
02191 211



COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING ADMINISTRATION AND
ENFORCEMENT DIVISION
 2200 Main Street, Suite 315
 WAILUKU, MAUI, HAWAII 96793
 Telephone: (808) 270-7253
 Facsimile: (808) 270-7834
 E-mail: planning@mauicounty.gov
 Website: www.mauicounty.gov

FILE NO	NOV 20150001
PROJECT NO	14-0001350
DATE OF NOTICE	February 6, 2015
DATE OF VIOLATION	September 30, 2014
CONTINUING VIOLATION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
CONVICTION	NONE
PHONE FOR CONTACT	7014 2120 0004 7526 1264

NOTICE OF VIOLATION
MAUI COUNTY CODE - TITLE 19 - COMPREHENSIVE ZONING ORDINANCES

TO:	Pedro Tolentino Eddie Tolentino P.O. Box 630308 Lanai City, Hawaii 96763		
RE:	TMK: (2) 4-9-005:045-0000	PERMIT NO:	none
ADDRESS:	1017 Houston Street, Lanai City, Hawaii		

I have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's Code(s) and/or Ordinance(s) governing same, as amended:

CODE(S); ORDINANCE(S); SECTION(S)	NATURE AND EVIDENCE OF THE VIOLATION(S)
Maui County Code ("MCC"), §19.08.020	Commercial auto repair is not permitted within the County's Residential District. Evidence of the aforementioned violation(s) include(s): MPD officer statement and photographic evidence

ORDER

Pursuant to MCC §19.530.030(B), and Chapter 12-103; Rules for Administrative Procedures and Civil Fines for Violations of Chapter 16.13 and Title 19 of the Maui County Code ("Administrative Rules"), as amended, you are hereby ordered as follows:

<input checked="" type="checkbox"/>	Cease and desist all activity immediately.		
<input checked="" type="checkbox"/>	Correct the violation(s) at your own expense by:	February 20, 2015	By taking the following corrective action(s): Cease all auto repairs and remove all vehicles not owned by the owners of the property.
<input checked="" type="checkbox"/>	Pay an initial civil fine in the amount of:	\$1,000	To the Department of Planning ("Planning") by: February 20, 2015
<input checked="" type="checkbox"/>	Pay a daily civil fine in the amount of:	\$1,000	Per day to Planning if the corrective action described above is not completed by: February 20, 2015

Pursuant to MCC, §19.530.030(B)(2) and (C) and §12-103-5(a)(8), Administrative Rules, as amended, this notice of violation and order shall become final thirty (30) days after the date of this notice, unless an appeal is properly filed with the Board of Variances and Appeals ("BVA"). The appropriate form may be found online at www.co.maui.hi.us/documents/Planning/Forms/AppealApp_Online.PDF or at the Department of Planning, One Main Plaza, 2200 Main Street #315, Wailuku, Maui, Hawaii 96793. An appeal to the BVA shall not stay any provision of this order. Pursuant to §12-103-12(b), Administrative Rules, as amended, the initial fine shall be payable whether the violation is corrected before or after the order becomes final.

Pursuant to §91-9(b)(5), Hawaii Revised Statutes, you may retain counsel or appear on your own behalf.

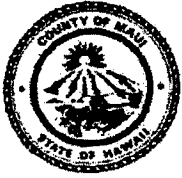
Pursuant to §12-103-12(d), Administrative Rules, as amended, in the case of a continuing violation, the daily fine shall be doubled on the first (1st) day of each thirty (30) day period after the end of the time to take corrective action, up to a maximum amount of one thousand dollars (\$1,000.00) per day.

FOR THE PLANNING DIRECTOR

Print Administrator's Name	John Rapacz	Administrator's Signature	
Print Supervisor's Name	Jay Arakawa	Supervisor's Signature	
Print Inspector's Name	Condin Wright	Inspector's Signature	

S:\ZONING\RFPS\2014\1350_Tolentino_use\NOV\NOV_20150001_use.wpd (Rev. 01.10)

EXHIBIT " B "



COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING ADMINISTRATION AND
ENFORCEMENT DIVISION
 2200 Main Street, Suite 315
 WAILUKU, MAUI, HAWAII 96793
 Telephone: (808) 270-7253
 Facsimile: (808) 270-7634
 E-mail: planning@mauicounty.gov
 Website: www.mauicounty.gov

PERMIT NO	NOV 2015/0001
PLANNING NO	14-0001350
DATE OF NOTICE	June 28, 2016
DATE OF VIOLATION	September 30, 2014
CONTINUING VIOLATION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
COLLECTED FINE	NONE
CERTIFIED RECEIPT NO	Hand delivered

NOTICE OF VIOLATION
MAUI COUNTY CODE TITLE 19 - COMPREHENSIVE ZONING ORDINANCES

TO:	Pedro Tolentino Eddie Tolentino P.O. Box 630308 Lanai City, Hawaii 96763		
RE:	TMK	(2) 4-9-005:045	PERMIT NO None
	ADDRESS	1017 Houston Street, Lanai City, Hawaii	

I have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's Code(s) and/or Ordinance(s) governing same, as amended:

CODE(S); ORDINANCE(S); SECTION(S)	NATURE AND EVIDENCE OF THE VIOLATION(S)
Maui County Code (MCC), § 19.08.020	Commercial auto repair is not permitted within the County's Residential District. Evidence of the aforementioned violation(s) include(s): MPD officer statement and photographic evidence

ORDER

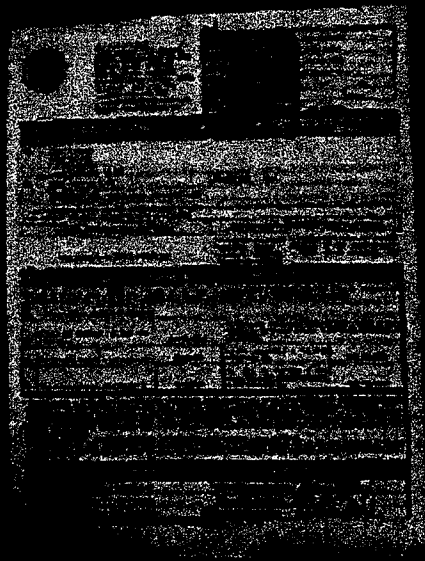
Pursuant to MCC § 19.530.030(B), and Chapter 12-103, Rules for Administrative Procedures and Civil Fines for Violations of Chapter 16.13 and Title 19 of the MCC ("Administrative Rules"), as amended, you are hereby ordered as follows:

<input checked="" type="checkbox"/>	Cease and desist all activity immediately.		
<input checked="" type="checkbox"/>	Correct the violation(s) at your own expense by:	July 12, 2016	By taking the following corrective action(s): Cease all auto repairs and remove all vehicles not owned by the owners of the property.
<input checked="" type="checkbox"/>	Pay an initial civil fine in the amount of:	\$1,000.00	To the Department of Planning ("Planning") by: July 12, 2016
<input checked="" type="checkbox"/>	Pay a daily civil fine in the amount of:	\$1,000.00	Per day to Planning if the corrective action described above is not completed by: July 12, 2016

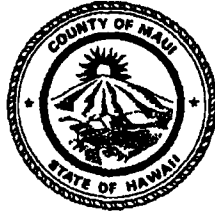
Pursuant to MCC, § 19.530.030(B)(2) and (C) and § 12-103-5(a)(6), Administrative Rules, as amended, this Notice of Violation and Order shall become final thirty (30) days after the date of this notice, unless an appeal is properly filed with the Board of Variances and Appeals ("BVA"). The appropriate form may be found online at www.co.maui.hi.us/documents/Planning/Forms/AppealApp_Online.PDF or at the Department of Planning, One Main Plaza, 2200 Main Street #315, Wailuku, Maui, Hawaii 96793. An appeal to the BVA shall not stay any provision of this order. Pursuant to § 12-103-12(b), Administrative Rules, as amended, the initial fine shall be payable whether the violation is corrected before or after the order becomes final. Pursuant to § 91-9(b)(5), Hawaii Revised Statutes, you may retain counsel or appear on your own behalf. Pursuant to § 12-103-12(d), Administrative Rules, as amended, in the case of a continuing violation, the daily fine shall be doubled on the first (1st) day of each thirty (30) day period after the end of the time to take corrective action, up to a maximum amount of one thousand dollars (\$1,000.00) per day.

FOR THE PLANNING DIRECTOR

Print Administrator's Name	John Rapacz	Administrator's Signature	
Print Supervisor's Name	Jay Arakawa	Supervisor's Signature	
Print Inspector's Name	Merle Tashiro	Inspector's Signature	



ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel No (808) 270-7535
Fax No (808) 270-1761

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
FACSIMILE: (808) 270-7152

April 20, 2017

Certified Mail No. 7009 0960 0000 5324 0975
Return Receipt Requested

Pedro Tolentino
Eddie Tolentino
P. O. Box 630308
Lanai City, Hawaii 96763

Re: Request for Service #14-0001350
Notice of Violation #V2015/0001
For commercial auto repair located at
1017 Houston Street, Lanai City, Hawaii

Dear Mr. Tolentino:

I represent the Maui County Department of Planning regarding the above matter. On or about September 30, 2014, a County inspector noted the following violation under the Maui County Code Section 19.08.020:

Commercial auto repair is not permitted within the County's Residential District.

A Notice of Warning was sent on October 16, 2014 concerning this violation and on February 6, 2015 and June 28, 2016 you were issued Notice of Violation and Order (collectively attached as Exhibit "A" - V2015/0001). You had thirty (30) days to appeal the Order to the Board of Variances and Appeals, but you have chosen not to contest the Notice of Violation issued to you by the Maui County Department of Planning.

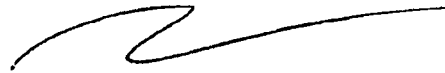
EXHIBIT " D "

Pedro Tolentino
Eddie Tolentino
April 20, 2017
Page 2

Fines began accruing on February 20, 2015, up to and including April 20, 2017. The outstanding fines currently owed to the County of Maui amount to \$790,000.00. Daily fines will continue to accrue at the rate of \$1,000.00 per day per violation, until such time as you comply with the corrective action(s) as described in the Notices of Violation and Order.

Furthermore, the County may also commence a lawsuit against you to collect the unpaid fines in addition to any remedies the County may seek. Unless you contact the undersigned regarding this matter by May 4, 2017, we will presume that you have no interest in resolving the situation and will act accordingly.

Very truly yours,



MICHAEL J. HOPPER
Deputy Corporation Counsel

MJH:maa

Enclosures

Cc: Merle Tashiro, Zoning Inspector
Jay Arakawa, Supervising Zoning Inspector
John Rapacz, Planning Program Administrator, ZAED

2015-3573

EXHIBIT " A "

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

October 16, 2014

Certified Receipt No. (7013 2630 0001 5132 5085)

Pedro Tolentino
Eddie Tolentino
P.O. Box 630308
Lanai City, Hawaii 96763

Dear Mr. Tolentino Tolentino:

RE: NOTICE OF WARNING AND REQUEST TO CORRECT APPARENT VIOLATION(S)

TMK: (2) 4-9-005:045-0000

RFS No.: 14-0001350

Description: For commercial auto repair located at 1017 Houston Street,
Lanai City, Hawaii, on the island of Lanai

Based on information obtained, we have reason to believe that on your property, on or before September 30, 2014, there were one or more violations. Commercial auto repair is not permitted within the County's Residential District pursuant to Maui County Code, including but not limited to Chapters/Sections 19.08.020.

The information obtained includes: MPD officer statement.

You must correct any violation(s) by **October 30, 2014**. We will investigate further, and if we find any of the above-described apparent violations, you will be subject to civil and possible criminal enforcement action.

Civil Fines for the violation will be 1) an initial fine of \$1,000; and 2) a daily fine of \$1,000 for each day the violation continues.

This request is only for violations of regulations that are enforced by the Department of Planning. There may be additional violations of regulations that are enforced by other County, State, or Federal agencies. If you have any questions about this request, please contact me at Conklin.Wright@co.maui.hi.us or (808) 270-8255; and please refer to RFS 14-0001350.

Sincerely,

A handwritten signature in black ink, appearing to read "Conklin Wright".

Conklin Wright
Zoning Inspector

xc: Jay Arakawa, Supervising Zoning Inspector (PDF)
Conklin Wright, Zoning Inspector (PDF)
14-0001350 (KIVA; RFS File)

JSR:JAA:CV:amb S:\ZONING\RFS\2014\1350_Tolentino_useNOWNOW1_use.wpd

ONE MAIN PLAZA BUILDING / 2200 MAIN STREET, SUITE 315 / WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

<p>SEND TO: (If different from address on front of mailpiece)</p> <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, if you wish. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Print Name) <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>C. Date of Delivery <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Pedro Tolentino or Eddie Tolentino P.O. Box 630308 Lanai City HI 96763</p> <p>RESTRICTED DELIVERY</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> G.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from 35) 7013 2630 0001 5132 5085</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 10255-02-10-1840</p>	

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

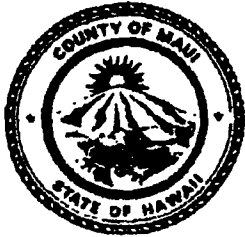
COUNTY OF MAUI
Department of Planning
2200 Main Street, Suite 315
DEPT. OF PLANNING, HI 96793
COUNTY OF MAUI

04/10/16
14-0001350
7-9-005,025

OCT 21 2014

RECEIVED





COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING ADMINISTRATION AND
ENFORCEMENT DIVISION
 2200 Main Street, Suite 315
 WAILUKU, MAUI, HAWAII 96793
 Telephone: (808) 270-7253
 Facsimile: (808) 270-7634
 E-mail: planning@mauicounty.gov
 Website: www.mauicounty.gov

FILE NO:	NOV 20150001
PERMIT NO:	14-0001350
ISSUE DATE:	February 8, 2015
EXPIRES:	September 30, 2014
COMPLIANCE STATUS:	[X] YES [] NO
APPEALS:	NONE
PHONE NO. (808) 270-7253	7014 2120 0004 7528 1284

NOTICE OF VIOLATION
MAUI COUNTY CODE AND COMPREHENSIVE ZONING ORDINANCE

TO: Pedro Tolentino
 Eddie Tolentino
 P.O. Box 830308
 Lanai City, Hawaii 96763

RE: **TMK** (2) 4-9-005:045-0000 **PERMIT NO** none
ADDRESS 1017 Houston Street, Lanai City, Hawaii

I have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's Code(s) and/or Ordinance(s) governing same, as amended:

CODE(S); ORDINANCE(S); SECTION(S)	NATURE AND EVIDENCE OF THE VIOLATION(S)
Maui County Code ("MCC"), §19.08.020	Commercial auto repair is not permitted within the County's Residential District. Evidence of the aforementioned violation(s) include(s): MPD officer statement and photographic evidence

ORDER

Pursuant to MCC §19.530.030(B), and Chapter 12-103, Rules for Administrative Procedures and Civil Fines for Violations of Chapter 16.13 and Title 19 of the Maui County Code ("Administrative Rules"), as amended, you are hereby ordered as follows:

<input checked="" type="checkbox"/>	Cease and desist all activity immediately.		
<input checked="" type="checkbox"/>	Correct the violation(s) at your own expense by:	February 20, 2015	By taking the following corrective action(s): Cease all auto repairs and remove all vehicles not owned by the owners of the property.
<input checked="" type="checkbox"/>	Pay an initial civil fine in the amount of:	\$1,000	To the Department of Planning ("Planning") by: February 20, 2015
<input checked="" type="checkbox"/>	Pay a daily civil fine in the amount of:	\$1,000	Per day to Planning if the corrective action described above is not completed by: February 20, 2015

Pursuant to MCC, §19.530.030(B)(2) and (C) and §12-103-5(a)(6), Administrative Rules, as amended, this notice of violation and order shall become final thirty (30) days after the date of this notice, unless an appeal is properly filed with the Board of Variances and Appeals ("BVA"). The appropriate form may be found online at www.co.maui.hi.us/documents/Planning/Forms/AppealApp_Online.PDF or at the Department of Planning, One Main Plaza, 2200 Main Street #315, Wailuku, Maui, Hawaii 96793. An appeal to the BVA shall not stay any provision of this order. Pursuant to §12-103-12(b), Administrative Rules, as amended, the initial fine shall be payable whether the violation is corrected before or after the order becomes final. Pursuant to §91-9(b)(5), Hawaii Revised Statutes, you may retain counsel or appear on your own behalf. Pursuant to §12-103-12(d), Administrative Rules, as amended, in the case of a continuing violation, the daily fine shall be doubled on the first (1st) day of each thirty (30) day period after the end of the time to take corrective action, up to a maximum amount of one thousand dollars (\$1,000.00) per day.

FOR THE PLANNING DIRECTOR

Print Administrator's Name	John Rapacz	Administrator's Signature	
Print Supervisor's Name	Jay Arakawa	Supervisor's Signature	
Print Inspector's Name	Conklin Wright	Inspector's Signature	



COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING ADMINISTRATION AND
ENFORCEMENT DIVISION
 2200 Main Street, Suite 315
 WAILUKU, MAUI, HAWAII 96793
 Telephone: (808) 270-7253
 Facsimile: (808) 270-7634
 E-mail: planning@mauicounty.gov
 Website: www.mauicounty.gov

FILE NO.	NOV 2015/0001
RFS NO.	14-0001350
DATE OF NOTICE	June 28, 2016
DATE OF VIOLATION	September 30, 2014
CONTINUING VIOLATION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
COLLECTED FINE	NONE
CERTIFIED RECEIPT NO.	Hand delivered

NOTICE OF VIOLATION
MAUI COUNTY CODE TITLE 19 - COMPREHENSIVE ZONING ORDINANCES

TO:	Pedro Tolentino Eddie Tolentino P.O. Box 630308 Lanai City, Hawaii 96763		
RE:	TMK	(2) 4-9-005:045	PERMIT NO None
	ADDRESS	1017 Houston Street, Lanai City, Hawaii	

I have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's Code(s) and/or Ordinance(s) governing same, as amended:

CODE(S); ORDINANCE(S); SECTION(S)	NATURE AND EVIDENCE OF THE VIOLATION(S)
Maui County Code (MCC), § 19.08.020	Commercial auto repair is not permitted within the County's Residential District. Evidence of the aforementioned violation(s) include(s): MPD officer statement and photographic evidence

ORDER

Pursuant to MCC § 19.530.030(B), and Chapter 12-103, Rules for Administrative Procedures and Civil Fines for Violations of Chapter 16.13 and Title 19 of the MCC ("Administrative Rules"), as amended, you are hereby ordered as follows:

<input checked="" type="checkbox"/>	Cease and desist all activity immediately.		
<input checked="" type="checkbox"/>	Correct the violation(s) at your own expense by:	July 12, 2016	By taking the following corrective action(s): Cease all auto repairs and remove all vehicles not owned by the owners of the property.
<input checked="" type="checkbox"/>	Pay an initial civil fine in the amount of:	\$1,000.00	To the Department of Planning ("Planning") by: July 12, 2016
<input checked="" type="checkbox"/>	Pay a daily civil fine in the amount of:	\$1,000.00	Per day to Planning if the corrective action described above is not completed by: July 12, 2016

Pursuant to MCC, § 19.530.030(B)(2) and (C) and § 12-103-5(a)(6), Administrative Rules, as amended, this Notice of Violation and Order shall become final thirty (30) days after the date of this notice, unless an appeal is properly filed with the Board of Variances and Appeals ("BVA"). The appropriate form may be found online at www.co.maui.hi.us/documents/Planning/Forms/AppealApp_Online.PDF or at the Department of Planning, One Main Plaza, 2200 Main Street #315, Wailuku, Maui, Hawaii 96793. An appeal to the BVA shall not stay any provision of this order. Pursuant to § 12-103-12(b), Administrative Rules, as amended, the initial fine shall be payable whether the violation is corrected before or after the order becomes final.

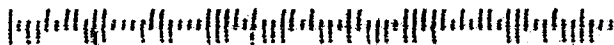
Pursuant to § 91-9(b)(5), Hawaii Revised Statutes, you may retain counsel or appear on your own behalf. Pursuant to § 12-103-12(d), Administrative Rules, as amended, in the case of a continuing violation, the daily fine shall be doubled on the first (1st) day of each thirty (30) day period after the end of the time to take corrective action, up to a maximum amount of one thousand dollars (\$1,000.00) per day.

FOR THE PLANNING DIRECTOR

Print Administrator's Name	John Rapacz	Administrator's Signature	
Print Supervisor's Name	Jay Arakawa	Supervisor's Signature	
Print Inspector's Name	Merle Tashiro	Inspector's Signature	

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

808060-99795



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, on the front if space permits.

1. Article Addressed to:

PEDRO TOLENTINO
 EDDIE TOLENTINO
 P O BOX 630308
 LANAI CITY HI 96763



9590 9402 1279 5246 3729 21

2. Article Number (Transfer from service label)

7009 0960 0000 3324 0975

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)

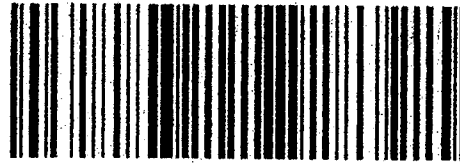
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

CERTIFIED MAIL

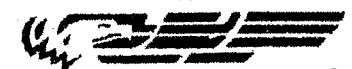
DEPARTMENT OF THE CORPORATION COU
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793



7009 0960 0000 5324 0975



U.S. POSTAGE PITNEY BOWES



ZIP 96793 \$ 006.77⁰
02 1W
0001361650 APR 20 2017

RECEIVED
COUNTY OF MAUI
2017 APR 20 11:07

**RETURN RECEIPT
REQUESTED**

PEDRO TOLENTINO
EDDIE TOLENTINO
P O BOX 630
LANAI CITY H NIXIE

NAME

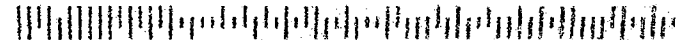
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0005/19/17

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UNCLAIMED
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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

January 5, 2017

Certified Receipt No. 7016 1370 0001 2713 8016

Pedro Costales Tolentino
Estelita Carmelita Hamilton
Aidegunda Imilda Tolentino
Pedro Tolentino Jr.
PO Box 630846
Lanai City, Lanai, Hawaii 96763

Ladies and Gentlemen:

RE: NOTICE OF WARNING AND REQUEST TO CORRECT APPARENT VIOLATION(S)

TMK: (2) 4-9-008:028-0000

RFS No.: 16-0001463

Description: For salvage yard and/or vehicle storage lot located at 260 Ilima Place, Lanai City, Hawaii, on the island of Lanai

Based on information obtained, we have reason to believe that on your property, on or before January 4, 2017, there were one or more violations. Salvage yards and/or vehicle storage lots are not permitted uses within the County's R-1 Residential District and are in violation of Maui County Code including, but not limited to, Chapters/Sections 19.08.020.

The information obtained includes: Photos submitted by requestor.

You must correct any violations by January 19, 2017. We will investigate further, and if we find any of the above-described apparent violations, you will be subject to civil and possible criminal enforcement action.

Civil Fines for the violation will be 1) an initial fine of \$1,000; and 2) a daily fine of \$1,000 for each day each violation continues.

This request is only for violations of regulations that are enforced by the Department of Planning. There may be additional violations of regulations that are enforced by other County, State, or Federal agencies. If you have any questions about this request, please contact me at gail.davis@co.mauhi.hi.us or (808) 270-8244; and please refer to RFS 16-0001463.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7834
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

EXHIBIT " E "

Tolentino
Hamilton
1/5/17
page 2

Sincerely,




Gail Davis
Zoning Inspector

xc: Jay Arakawa, Supervising Zoning Inspector (PDF)
Gail Davis, Zoning Inspector (PDF)
16-0001463 (XVA; RFS File)

JSR:JAA: GMD:gmd

S:\Zoning\RFS\2016_1463_files\Lanal_use.wpd (rev. 11.13)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Address</p> <p>X</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>																
<p>1</p> <p>Pedro Tolentino or Aldegunda Tolentino or Pedro Tolentino Jr. or Estelita Hamilton PO Box 630846 Lanai City Lanai Hawaii 96763</p>  <p>9590 9402 1807 6074 4303 61</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center;">RESTRICTED DELIVERY</p>																
<p>2. Article Number (Transmitting Service)</p> <p>7016 1370 0001 2713 8016</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restrict Delivery</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restrict Delivery	<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restrict Delivery																
<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise																
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<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

Back side of return receipt

G. Davis

COUNTY OF MAUI
DEPARTMENT OF PLANNING
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI 96793



7016 1370 0001 2713 8016



U.S. POSTAGE PITNEY BOWES
ZIP 96793 \$011.41⁵
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0001361650 JAN 05 2017

it need to be present to accept.

deceased
lives on mainland
only Lanai City

Pedro Costales Tolentino
Estelita Carmelita Hamilton
Aldegunda Imilda Tolentino

Pedro Tolent
PO Box 6308
Lanai City, La

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RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

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5C: 96793168890 *8972-02108-03-44

NAME _____
1ST NOTICE 1/7/17 MH
2ND NOTICE 1/21/17 MG
RETURN 1/22/17

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USPS TRACKING #



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First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED

JAN 25 2017

United States
Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box*

GMD
16-1463
NOW 1452
(2) 4-9-008-028
Lanai City

COUNTY OF MAUI
COUNTY OF DEPT OF PLANNING
Department of Planning
2200 Main Street, Suite 315
Wailuku, HI 96793

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

February 28, 2017

POSTED ON PROPERTY

Pedro Costales Tolentino
Estelita Carmelita Hamilton
Aldegunda Imilda Tolentino
Pedro Tolentino Jr.
PO Box 630846
Lanai City, Lanai, Hawaii 96763

Ladies and Gentlemen:

RE: NOTICE OF WARNING AND REQUEST TO CORRECT APPARENT VIOLATION(S)

TMK: (2) 4-9-008:028-0000

RFS No.: 16-0001463

Description: For salvage yard and/or vehicle storage lot located at 260 Ilima Place, Lanai City, Hawaii, on the island of Lanai

Based on information obtained, we have reason to believe that on your property, on or before January 4, 2017, there were one or more violations. Salvage yards and/or vehicle storage lots are not permitted uses within the County's R-1 Residential District and are in violation of Maui County Code including, but not limited to, Chapters/Sections 19.08.020.

The information obtained includes: Photos submitted by requestor.

You must correct any violations by **March 13, 2017**. We will investigate further, and if we find any of the above-described apparent violations, you will be subject to civil and possible criminal enforcement action.

Civil Fines for the violation will be 1) an initial fine of \$1,000; and 2) a daily fine of \$1,000 for each day each violation continues.

This request is only for violations of regulations that are enforced by the Department of Planning. There may be additional violations of regulations that are enforced by other County, State, or Federal agencies. If you have any questions about this request, please contact me at gail.davis@co.maui.hi.us or (808) 270-8244; and please refer to RFS 16-0001463.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

EXHIBIT " F "

Tolentino
Hamilton
2/28/17
page 2

Sincerely,



Gail Davis
Zoning Inspector

xc: Jay Arakawa, Supervising Zoning Inspector (PDF)
Gail Davis, Zoning Inspector (PDF)
16-0001463 (KIVA; RFS File)

JSR:JAA: GMD:gmd

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COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING ADMINISTRATION AND
ENFORCEMENT DIVISION
 2200 Main Street, Suite 315
 WAILUKU, MAUI, HAWAII 96793
 Telephone: (808) 270-7253
 Facsimile: (808) 270-7634
 E-mail: planning@mauicounty.gov
 Website: www.mauicounty.gov

FILE NO	NOV 2017/0017
RLZ NO	16-0001463
DATE OF NOTICE	March 21, 2017
DATE OF VIOLATION	January 4, 2017
CONTINUING VIOLATION	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
COLLECTED FINE	NONE
PERMITS REFERENCE NO	7016 0910 0002 3138 7183

NOTICE OF VIOLATION
MAUI COUNTY CODE, TITLE 19-50 COMPREHENSIVE ZONING ORDINANCES

TO: Pedro Tolentino, Jr.
 P.O. Box 630846
 Lanai City, Lanai, Hawaii 96763

RE: **TMK** (2) 4-9-008:028 **PERMIT NO** NONE

ADDRESS: 280 Ilima Place, Lanai City, Hawaii 96763

I have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's Code(s) and/or Ordinance(s) governing same, as amended:

CODE(S); ORDINANCE(S); SECTION(S)	NATURE AND EVIDENCE OF THE VIOLATION(S)
Maui County Code (MCC) § 19.08.020	Salvage yards and/or vehicle storage is not a permitted use within the County's R-1 Residential District Evidence of the aforementioned violation(s) include(s): Photos submitted by requestor, Maui Police Department.

ORDER

Pursuant to MCC § 19.530.030(B), and Chapter 12-103, Rules for Administrative Procedures and Civil Fines for Violations of Chapter 16.13 and Title 19 of the MCC (Administrative Rules), as amended, you are hereby ordered as follows:

<input checked="" type="checkbox"/>	Cease and desist all activity immediately.		
<input checked="" type="checkbox"/>	Correct the violation(s) at your own expense by:	March 28, 2017	By taking the following corrective action(s): remove all cars not registered under your name.
<input checked="" type="checkbox"/>	Pay an initial civil fine in the amount of:	\$1,000.00	To the Department of Planning (Planning) by: April 20, 2017
<input checked="" type="checkbox"/>	Pay a daily civil fine in the amount of:	\$1,000.00	Per day to Planning if the corrective action described above is not completed by: March 28, 2017

Pursuant to MCC § 19.530.030(B)(2) and (C) and § 12-103-5(a)(6), Administrative Rules, as amended, this Notice of Violation and Order shall become final thirty (30) days after the date of this notice, unless an appeal is properly filed with the Board of Variances and Appeals (BVA). The appropriate form may be found online at <http://co.mauhi.us/documentcenter/view/8208> or at the Department of Planning, One Main Plaza, 2200 Main Street #315, Wailuku, Maui, Hawaii 96793. An appeal to the BVA shall not stay any provision of this Order.


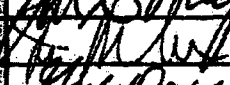

Pursuant to § 12-103-12(b), Administrative Rules, as amended, the initial fine shall be payable whether the violation is corrected before or after the Order becomes final.

Pursuant to § 91-9(b)(5), Hawaii Revised Statutes, you may retain counsel or appear on your own behalf.

EXHIBIT " G "

Pursuant to § 12-103-12(d), Administrative Rules, as amended, in the case of a continuing violation, the daily fine shall be doubled on the first (1st) day of each thirty (30) day period after the end of the time to take corrective action, up to a maximum amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) per day.

FOR THE PLANNING DIRECTOR

Print Administrator's Name	JOHNS. RAPACZ	Administrator's Signature	
Print Supervisor's Name	JAY ARAKAWA	Supervisor's Signature	
Print Inspector's Name	GAIL DAVIS	Inspector's Signature	

cc: Jay Arakawa, Zoning Inspector Supervisor (pdf)
Gail Davis, Zoning Inspector (pdf)
RFS File (KVA)
General File

S:\ZONING\RFS\2016\1463_ILIMA,LANA\CITY_USENOV1_STORAGE.DOCX



COUNTY OF MAUI
 DEPARTMENT OF PLANNING
 ONE MAIN PLAZA
 2200 MAIN STREET, SUITE 315
 WAILUKU, MAUI, HI 96793

CERTIFIED MAIL



7016 0910 0002 3138 7183



U.S. POSTAGE PITNEY BOWES
 ZIP 96793 \$011.51⁰
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 0001361650 MAR 20 2017

RECEIVED

2017 APR 13 P 3:45

COUNTY OF MAUI
 DEPT OF PLANNING
 2017 APR 13 2017

Pedro Tolentino, Jr.
 P.O. Box 630846
 Lanai City, HI 96763

RESTRICTED DELIVERY

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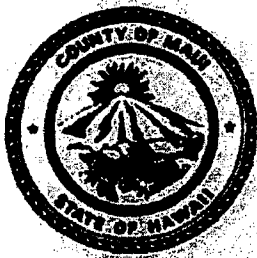
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BC: 96793168899 *0972-01244-21-38





COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING ADMINISTRATION AND
ENFORCEMENT DIVISION
 2200 Main Street, Suite 315
WAILUKU, MAUI, HAWAII 96793
 Telephone: (808) 270-7253
 Facsimile: (808) 270-7634
 E-mail: planning@mauicounty.gov
 Website: www.mauicounty.gov

NOV 2017/0017
 16-0001463
 April 27, 2017
 January 4, 2017
 YES NO
 NONE
 POSTED ON PROPERTY

TO: Pedro Tolentino, Jr.
 PO Box 630846
 Lanai City, Lanai, HI 96763

RE: **TRK:** (2) 4-9-008-026-0000 **PERMIT NO:** NONE

ADDRESS: 260 Ilma Place, Lanai City, Hawaii 96763

I have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's Code(s) and/or Ordinance(s) governing same, as amended:

CODE(S), ORDINANCE(S), SECTION(S)	NATURE AND EVIDENCE OF THE VIOLATION(S)
Maui County Code ("MCC"), §19.08.020	Salvage yards and/or vehicle storage is not a permitted use within the County's R-1 Residential District. Evidence of the aforementioned violation(s) include(s): Photos submitted by requestor, MPD.

Pursuant to MCC §19.530.030(B), and Chapter 12-103, Rules for Administrative Procedures and Civil Fines for Violations of Chapter 16.13 and Title 19 of the Maui County Code ("Administrative Rules"), as amended, you are hereby ordered as follows:

<input checked="" type="checkbox"/>	Cease and desist all activity immediately.		
<input checked="" type="checkbox"/>	Correct the violation(s) at your own expense by:	May 4, 2017	By taking the following corrective action(s): Remove all cars not registered under your name
<input checked="" type="checkbox"/>	Pay an initial civil fine in the amount of:	\$1000.00	To the Department of Planning ("Planning") by: May 27, 2017
<input checked="" type="checkbox"/>	Pay a daily civil fine in the amount of:	\$1000.00	Per day to Planning if the corrective action described above is not completed by: May 4, 2017

Pursuant to MCC, §19.530.030(B)(2) and (C) and §12-103-5(a)(6), Administrative Rules, as amended, this notice of violation and order shall become final thirty (30) days after the date of this notice, unless an appeal is properly filed with the Board of Variances and Appeals ("BVA"). The appropriate form may be found online at <http://co.maui.hi.us/documentcenter/view/8208> or at the Department of Planning, One Main Plaza, 2200 Main Street #315, Wailuku, Maui, Hawaii 96793. An appeal to the BVA shall not stay any provision of this order.

Pursuant to §12-103-12(b), Administrative Rules, as amended, the initial fine shall be payable whether the violation is corrected before or after the order becomes final.

Pursuant to §91-9(b)(5), Hawaii Revised Statutes, you may retain counsel or appear on your own behalf.

Pursuant to §12-103-12(d), Administrative Rules, as amended, in the case of a continuing violation, the daily fine shall be doubled on the first (1st) day of each thirty (30) day period after the end of the time to take corrective action, up to a maximum amount of one thousand dollars (\$1,000.00) per day.

Print Administrator's Name	John Rapacz	Administrator's Signature	<i>[Signature]</i>
Print Supervisor's Name	Jay Arakawa	Supervisor's Signature	<i>[Signature]</i>
Print Inspector's Name	Gall Davis	Inspector's Signature	<i>[Signature]</i>

EXHIBIT " H "

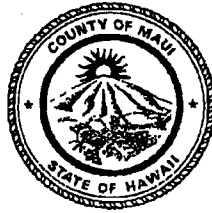
260 Ilima Avenue, Lanai City, Lanai RE: ^{Pedro} Tolentino



NOV posted
by MPD

FROM:

ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel No (808) 270-7535
Fax No (808) 270-1761

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
FACSIMILE: (808) 270-7152

October 3, 2017

Certified Mail No. 7016 0910 0002 3143 4610
Return Receipt Requested

Pedro Costales Tolentino
Estelita Carmelita Hamilton
Aldegunda Imilda Tolentino
Pedro Tolentino Jr.
P O Box 630846
Lanai City, Lanai, Hawaii 96763

Re: Request for Service #16-0001463
Notice of Violation #V2017/0017
For salvage yard and/or vehicle storage lot
located at 260 Ilima Place, Lanai City, Hawaii

Ladies and Gentlemen:

I represent the Maui County Department of Planning regarding the above matter. On or about January 4, 2017, a County inspector noted the following violation under the Maui County Code Section 19.08.020:

Salvage yards and/or vehicle storage is not a permitted use within the County's R-1 Residential District.

A Notice of Warning was posted on property on February 28, 2017 concerning this violation and on April 27, 2017 you were issued Notice of Violation and Order on May 3, 2017 by posting on the property (collectively attached as Exhibit "A" - V2017/0017). You had thirty (30) days to appeal the Order to the Board of Variances and Appeals, but you have chosen not to contest the

EXHIBIT " I "

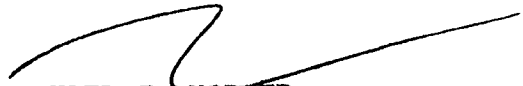
Pedro Costales Tolentino
Estelita Carmelita Hamilton
Aldegunda Imilda Tolentino
Pedro Tolentino Jr.
September 20, 2017
Page 2

Notice of Violation issued to you by the Maui County Department of Planning.

Fines began accruing on May 4, 2017, up to and including October 3, 2017. The outstanding fines currently owed to the County of Maui amount to \$153,000.00. Daily fines will continue to accrue at the rate of \$1,000.00 per day per violation, until such time as you comply with the corrective action(s) as described in the Notices of Violation and Order.

Furthermore, the County may also commence a lawsuit against you to collect the unpaid fines in addition to any remedies the County may seek. Unless you contact the undersigned regarding this matter by October 13, 2017, we will presume that you have no interest in resolving the situation and will act accordingly.

Very truly yours,



MICHAEL J. HOPPER
Deputy Corporation Counsel

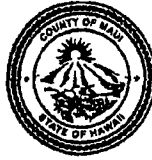
MJH:maa
Enclosures

Cc: Gail Davis, Zoning Inspector
Jay Arakawa, Supervising Zoning Inspector
John Rapacz, Planning Program Administrator, ZAED
2017-1081

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

February 28, 2017

POSTED ON PROPERTY

Pedro Costales Tolentino
Estelita Carmelita Hamilton
Aldegunda Imilda Tolentino
Pedro Tolentino Jr.
PO Box 630846
Lanai City, Lanai, Hawaii 96763

Ladies and Gentlemen:

RE: NOTICE OF WARNING AND REQUEST TO CORRECT APPARENT VIOLATION(S)

TMK: (2) 4-9-008:028-0000

RFS No.: 16-0001463

Description: For salvage yard and/or vehicle storage lot located at 260 Ilima Place, Lanai City, Hawaii, on the island of Lanai

Based on information obtained, we have reason to believe that on your property, on or before January 4, 2017, there were one or more violations. Salvage yards and/or vehicle storage lots are not permitted uses within the County's R-1 Residential District and are in violation of Maui County Code including, but not limited to, Chapters/Sections 19.08.020.

The information obtained includes: Photos submitted by requestor.

You must correct any violations by **March 13, 2017**. We will investigate further, and if we find any of the above-described apparent violations, you will be subject to civil and possible criminal enforcement action.

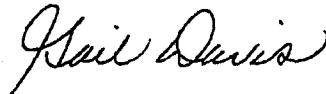
Civil Fines for the violation will be 1) an initial fine of \$1,000; and 2) a daily fine of \$1,000 for each day each violation continues.

This request is only for violations of regulations that are enforced by the Department of Planning. There may be additional violations of regulations that are enforced by other County, State, or Federal agencies. If you have any questions about this request, please contact me at gail.davis@co.maui.hi.us or (808) 270-8244; and please refer to **RFS 16-0001463**.

EXHIBIT " A "

Tolentino
Hamilton
2/28/17
page 2

Sincerely,

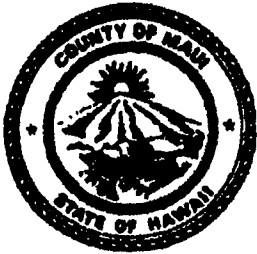
A handwritten signature in cursive script that reads "Gail Davis".

Gail Davis
Zoning Inspector

xc Jay Arakawa, Supervising Zoning Inspector (PDF)
Gail Davis, Zoning Inspector (PDF)
16-0001463 (KIVA; RFS File)
JSR:JAA: GMD:gmd

S.Zoning/RFS/2016_1463_lima,Lanai_use.posted.wpd (rev. 11.13)





COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING ADMINISTRATION AND
ENFORCEMENT DIVISION
 2200 Main Street, Suite 315
 WAILUKU, MAUI, HAWAII 96793
 Telephone: (808) 270-7253
 Facsimile: (808) 270-7634
 E-mail: planning@mauicounty.gov
 Website: www.mauicounty.gov

NOV 2017/0017

16-0001463

April 27, 2017

January 4, 2017

YES NO

NONE

POSTED ON PROPERTY

TO: Pedro Tolentino, Jr.
 PO Box 630846
 Lanai City, Lanai, HI 96763

RE: (2) 4-9-008:028-0000

PERMIT NO: NONE

ADDRESS: 250 Ilima Place, Lanai City, Hawaii 96763

I have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's Code(s) and/or Ordinance(s) governing same, as amended:

CODE(S), ORDINANCE(S), SECTION(S)	NATURE AND EVIDENCE OF THE VIOLATION(S)
Mauli County Code ("MCC"), §19.08.020	Salvage yards and/or vehicle storage is not a permitted use within the County's R-1 Residential District Evidence of the aforementioned violation(s) include(s): Photos submitted by requestor, MPD

Pursuant to MCC §19.530.030(B), and Chapter 12-103, Rules for Administrative Procedures and Civil Fines for Violations of Chapter 16.13 and Title 19 of the Maui County Code ("Administrative Rules"), as amended, you are hereby ordered as follows:

<input checked="" type="checkbox"/>	Cease and desist all activity immediately.		
<input checked="" type="checkbox"/>	Correct the violation(s) at your own expense by:	May 4, 2017	By taking the following corrective action(s): Remove all cars not registered under your name
<input checked="" type="checkbox"/>	Pay an initial civil fine in the amount of:	\$1000.00	To the Department of Planning ("Planning") by: May 27, 2017
<input checked="" type="checkbox"/>	Pay a daily civil fine in the amount of:	\$1000.00	Per day to Planning if the corrective action described above is not completed by: May 4, 2017

Pursuant to MCC, §19.530.030(B)(2) and (C) and §12-103-5(a)(6), Administrative Rules, as amended, this notice of violation and order shall become final thirty (30) days after the date of this notice, unless an appeal is properly filed with the Board of Variances and Appeals ("BVA"). The appropriate form may be found online at <http://co.maui.hi.us/documentcenter/view/8208> or at the Department of Planning, One Main Plaza, 2200 Main Street #315, Wailuku, Maui, Hawaii 96793. An appeal to the BVA shall not stay any provision of this order.

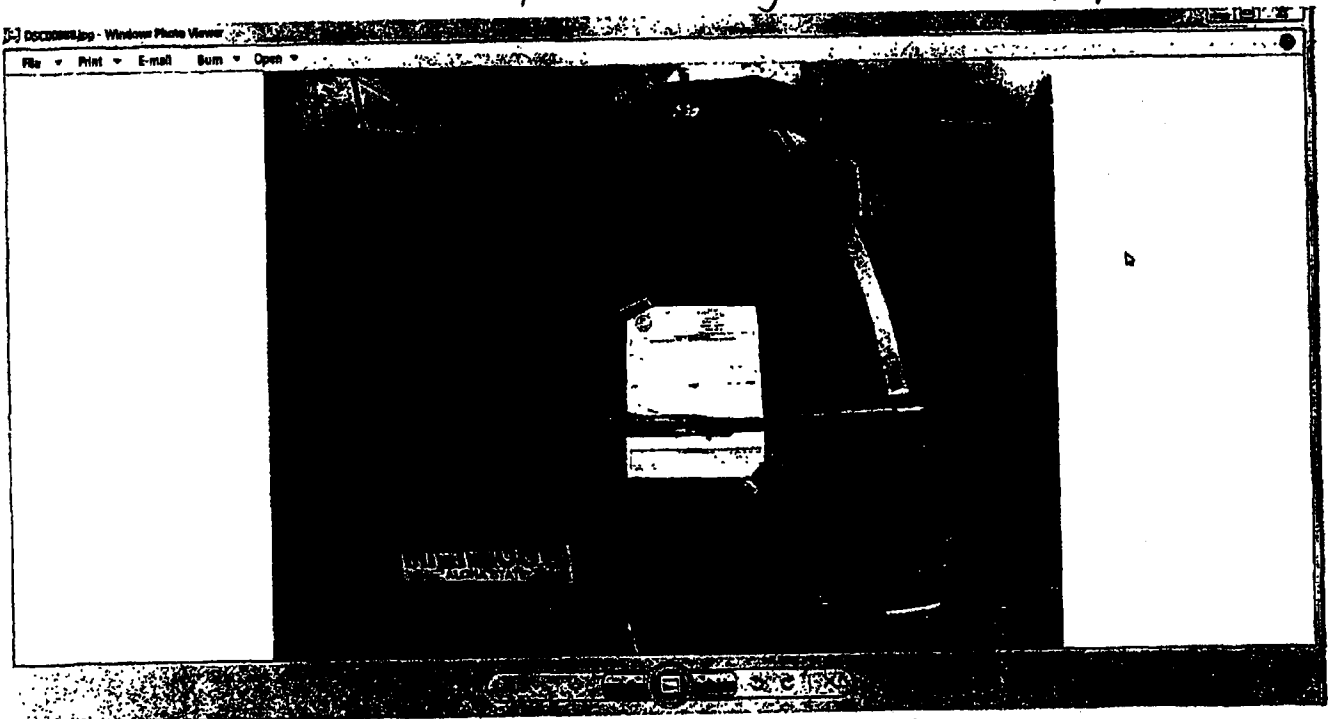
Pursuant to §12-103-12(b), Administrative Rules, as amended, the initial fine shall be payable whether the violation is corrected before or after the order becomes final.

Pursuant to §91-9(b)(5), Hawaii Revised Statutes, you may retain counsel or appear on your own behalf.

Pursuant to §12-103-12(d), Administrative Rules, as amended, in the case of a continuing violation, the daily fine shall be doubled on the first (1st) day of each thirty (30) day period after the end of the time to take corrective action, up to a maximum amount of one thousand dollars (\$1,000.00) per day.

Print Administrator's Name	John Rapacz	Administrator's Signature	<i>[Signature]</i>
Print Supervisor's Name	Jay Arakawa	Supervisor's Signature	<i>[Signature]</i>
Print Inspector's Name	Gail Davis	Inspector's Signature	<i>[Signature]</i>

260 Ilima Avenue, Lanai City, Lanai RE: Pedro Tolentino



NOV pasted
by MPD

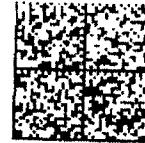
FROM:

CERTIFIED MAIL

DEPARTMENT OF THE CORPORATION
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAIKUKU, MAUI, HAWAII 9671



7016 0910 0002 3143 4610



U.S. POSTAGE PITNEY BOWES

ZIP 96793 \$ 006.77⁰
02 1W
0001361650 OCT 04 2017

RECEIVED
CORPORATION COUNSEL

OCT 19 PM 2:07

none of these
people in this box

ANK

PEDRO COSTALES TOLENTINO
ESTELITA CARMELITA HAMILTON
ALDEGUNDA IMILDA TOLENTINO
PEDRO TOLENTINO
P O BOX 630846
LANAI CITY LANAI

NOTICE 10-7-12
NOTICE 10-12-17
0018/16/17

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

AN 96793215500 *2272-03661-15-21
96793>2155

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent X <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Number (Transfer from service label)</p> <p>7016 0910 0002 3143 4610</p>	<p>3. Service Type</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
<p>2. Article Number (Transfer from service label)</p> <p>9590 9402 2503 6306 9913 74</p>	

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

COUNTY OF MAUI,

Plaintiff,

vs.

PEDRO TOLENTINO, JR.; EDDIE
BRACEROS TOLENTINO; JOHN DOES
1-10; JANE DOES 1-10; and DOE
ENTITIES 1-10,

Defendants.

CIVIL NO.
(Other Civil Action)

SUMMONS

SUMMONS

TO: The Above-Named Defendants

You are hereby summoned and required to file with the Court and serve upon PATRICK K. WONG, Corporation Counsel, and SHINKEN NAITOH, Deputy Corporation Counsel, attorneys for Plaintiff COUNTY OF MAUI, whose address is 200 South High Street, Wailuku, Maui, Hawaii 96793, an answer to the Verified Complaint which is attached. This action must be taken within twenty (20) days after service of this summons upon you, exclusive of the day of service.

If you fail to make your answer within the twenty-day time limit, judgment by default will be taken against you for the relief demanded in the Verified Complaint.

If you fail to obey this summons, this may result in an entry of default and default judgment.

Pursuant to Rule 4 (b) of the Hawaii Rules of Civil Procedure, this summons shall not be delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public,

unless a judge of the District or Circuit courts permits, in writing on the summons,
personal delivery during those hours.

DATED: Wailuku, Maui, Hawaii, MAR 15 2018.

/sgd/ D. PELLAZAR (seal)

CLERK OF THE ABOVE-ENTITLED COURT