

## Great Committee

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**From:** County Clerk  
**Sent:** Tuesday, November 28, 2023 7:41 AM  
**To:** Great Committee  
**Subject:** FW: Correction Fw: Tuesday 11/28/ 23 GREAT Committee Testimony 23-227  
**Attachments:** Attorney Schmitt Letter to ODC.pdf; Unemori Engineering and County Fraud.docx

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**From:** fryrchriss@aol.com <fryrchriss@aol.com>  
**Sent:** Monday, November 27, 2023 5:32 PM  
**To:** County Clerk <County.Clerk@mauicounty.us>; Nohe M. Uu-Hodgins <Nohe.Uu-Hodgins@mauicounty.us>; David M. Raatz <David.Raatz@mauicounty.us>  
**Subject:** Correction Fw: Tuesday 11/28/ 23 GREAT Committee Testimony 23-227

The last sentence of the first paragraph should read Milton Arakawa, not Alan Arakawa. Lol.

----- Forwarded Message -----

**From:** fryrchriss@aol.com <fryrchriss@aol.com>  
**To:** County Clerk <county.clerk@mauicounty.us>; Nohe M. Uu-Hodgins <nohe.uu-hodgins@mauicounty.us>; David M. Raatz <david.raatz@mauicounty.us>  
**Sent:** Monday, November 27, 2023 at 07:31:54 PM EST  
**Subject:** re: Tuesday 11/28/ 23 GREAT Committee Testimony 23-227

Testimony re: 23-227 Settlement Authorization Christopher Salem

As a paralegal, who assisted Attorney Brad Salter who represented Mr. Salem in the instant case, I am quite familiar with it. I believe that the department of Corp Council, which had to finally recuse itself, breached its fiduciary duty to the County by obstructing the Mayor from following through on his agreement with Mr. Salem to issue a notice non-compliance to the developer in this case. It could have resulted in a global settlement by the parties who committed fraud against Mr. Salem and the County; paying their share that caused Christopher Salem and the County significant harm. That being former Public Works Director Alan Arakawa, and his land planning firm Munekiyo Hiraga, the Unemori Engineering firm, Developers Tim (Hugh) Farrington and his associates.

I recently praised P.B. Sullivan Contractor publicly for its help to protect the County from future wildfires. It was PB Sullivan which did an independent evaluation of Unemori's Order of Magnitude Estimate in this case, and it was over ten times more than what Unemori provided.

Also, the Mccoriston law firm, which did an excellent job for the County on Palama Drive negotiations and is being retained now by the County for wildfire representation, also wrote letters supporting the claims of fraud being made by Mr. Salem against the County, evidence of which the County concealed, and for which there is now newly discovered evidence.

County officials, and those private parties mentioned above, committed fraud against Salem and the County. The problem is that for decades, subsequent County officials continued to cover it up, and so the unspoken truth is that the County couldn't go after those private parties without being sued in

return. That's why the County has remained in breach of its duties to both Mr. Salem and to taxpaying residents.

#### Simple Synopsis:

The fraud by both County and Developer and their consultants resulted in two liens put on Salem's then 4.5 million dollar property and home, that he couldn't remove. One lien prevented his selling the property, and the other fraudulent lien caused the properties foreclosure.

Both the developer, it's consultants and the county concealed and withheld records, which resulted in false liens. These liens also destroyed his perfect credit, ruined his professional life, and harmed his creditors. Your new attorneys, KSG. Mr. Salem's Settlement request is just, fair and equitable. It seeks damages for the fraud committed by County Officials, related to those acts. It's in both his Count III which your attorney sought to dismiss and the court denied, and additionally through discovery while working for the Mayor, which revealed material evidence of a false ledger by Former Pub Works Director Arakawa, which Mr. Salem also blew the whistle on and is newly discovered evidence.

At the end of the day if this case isn't settled, Salem's got all this additional newly discovered evidence that your lawyers just admitted to on behalf of the County. Evidence that has been withheld and concealed for years by Corp Counsel, again, I believe, in breach of its fiduciary duties, now admitted to in Discovery by your new counsel KSG.

The Circuit Court saw clearly that the department of Corporation Counsel was conflicted. It was apparent to everyone except Corporation Counsel. With that newly discovered evidence, Mr. Salem would also be able to pursue all sorts of new legal actions if this continues.

Now we finally have the County acknowledging that Unemori's Professional Engineering stamp was used to create a fictitious and fraudulent Order of Magnitude Estimate for its developer client. See attached. I completed a video presentation which has been presented to this Council previously and is being presented again today to provide notice that the fraud which Mr. Salem alleges is true, accurate and correct. This testimony now serves as Notice for the second time to the Council. Councilmember Gabe Johnson, when Michelle McLean told him in the Brown case, during a hearing, how the County relies on the professional Engineers stamp, for the validity and legitimacy of an Order of Magnitude Estimate. Unemori has committed similar acts before, as my video reveals.

Moreover, now the County also has acknowledged through KSG, in Discovery, that the developer didn't complete its required conditioned infrastructure obligations and environmental mitigations for that subdivision's approval. That means the **Subdivision at issue is unlawful**, as I've said all along. And, Unemori helped their client fake an SMA minor permit, in violation of State and County law.

*I personally would encourage Mr. Salem to now seek to amend his suit to name your former Director of Corporation Counsel, County Clerk Moana Lutey, Unemori Engineering, and additional parties as well as additional counts for fraud and conspiracy based upon the newly discovered evidence.*

If you allow this case to continue, at the end of the day, just like Montana Beach, Palama Drive, and Olowalu; the Council would end up costing the County taxpayers, I believe, anywhere from 15 to 30 million dollars in damages, both compensatory and punitive.

The Council is now in the spotlight for its legislative decisions, like encouraging instead of requiring firebreaks in the West Side Community Plan. It is important that the Council gets this correct and

stops kicking the can down the road. To do that now, would be "frought with hazard", because the liabilities accruing will continue to grow.

The video I made about Unemori which is part of my testimony should be admitted as evidence in the case if it's not already, (see link below) and the County should call upon Unemori to contribute to the damages owed to Mr. Salem, that the County is otherwise legally solely responsible for at this point, because of its role in participating in the fraud, covering-it-up, and subsequently failing to act when given notice.

Otherwise , I suggest that Unemori can and should lose its Professional Engineering license, it's contracts with the County. There's your consideration for them to pay Mr. Salem's damages.

[MRN 2022 show 8 final3.mp4 \(vimeo.com\)](#)