

**RICHARD T. BISSEN, JR.**  
Mayor

**VICTORIA J. TAKAYESU**  
Corporation Counsel

**MIMI DESJARDINS**  
First Deputy

**LYDIA A. TODA**  
Risk Management Officer



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

RECEIVED

2025 APR 11 PM 2:14

OFFICE OF THE  
COUNTY CLERK

April 11, 2025

Via email only at [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

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

SUBJECT: Settlement Authorization - AUTHORIZING SETTLEMENT OF THE  
CLAIM OF THE HARRIETTE L. HOLT, REVOCABLE LIVING TRUST  
AGAINST THE COUNTY OF MAUI, COUNTY OF MAUI RISK FILE  
2024-0169

Dear Chair Lee and Council Members:

Please find attached separately a Proposed Resolution entitled  
"AUTHORIZING SETTLEMENT OF THE CLAIM OF THE HARRIETTE L. HOLT,  
REVOCABLE LIVING TRUST AGAINST THE COUNTY OF MAUI, COUNTY OF MAUI  
RISK FILE 2024-0169." The purpose of the proposed resolution is to discuss  
settlement authority with regards to the above-referenced claim filed with the  
County Clerk for the County of Maui.

I request that the proposed resolution be scheduled for discussion and  
action, or referral to the appropriate standing committee. For further  
information, I have also attached the Claim for Damage or Injury the Harriette  
L. Holt, Revocable Living Trust filed with the County Clerk of the County of Maui  
on July 25, 2024.

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

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

Honorable Alice L. Lee, Chair  
April 11, 2025  
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Sincerely,  
  
JOHN J. GORES  
Deputy Corporation Counsel

cc: Managing Director Josiah Nishita  
Fire Chief Bradford Ventura

Attachments:

- (1) Proposed Resolution: "AUTHORIZING SETTLEMENT OF THE CLAIM OF THE HARRIETTE L. HOLT, REVOCABLE LIVING TRUST AGAINST THE COUNTY OF MAUI, COUNTY OF MAUI RISK FILE 2024-0169."
- (2) Claim for Damage or Injury filed July 25, 2024

MOANA M. LUTEY  
County Clerk



RICHELLE M. THOMSON  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

July 25, 2024

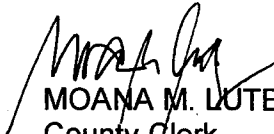
John Mullen & Company, Inc. (JMC)  
Via email: [claims@johnmullen.com](mailto:claims@johnmullen.com)

RE: HARRIETTE L. HOLT, REVOCABLE LIVING TRUST

Attn: Unit Code 99

Respectfully transmitted is a copy of a claim against the County of Maui filed by L. Joesting, on behalf of Harriette L. Holt, Revocable Living Trust, of P.O. Box 367, Kula, which was received by our office on July 25, 2024.

Respectfully,

  
MOANA M. LUTEY  
County Clerk

Attachment

cc: Mayor  
Corporation Counsel  
Council Chair

/djy

COUNTY OF MAUI

CLAIM FOR DAMAGE OR INJURY

RECEIVED

2024 JUL 25 AM 8:48

PLEASE PRINT CLEARLY

1. Claimant: Mr. ☐ Mrs. ☐ Ms. ☒ Harriette L. Holt, Revocable Living Trust ; c/o L. Joesting
2. Address: PO Box 367 Kula, Hawaii 96790
3. Telephone No. 808-573-1958 Email: lhjoesting@gmail.com
4. Date of Accident: August 8, 2023 and a few days afterwards
5. Location of Accident: 15465 Haleakala Hwy, Kula 96790
6. Amount of Claim: Property Damage \$ 200,000 Personal Injury \$ 0.00
7. Describe the accident in detail. Indicate all the facts, causes, persons involved, witnesses, extent of damage, etc., and why you think the County is responsible. Attach additional sheets as needed.  
Fire came up from Kula gulch on August 8th, 2023. At least three fire engines and two water tankers came up and down the driveway that day. Although the fire crew wanted to resupply their water, access was blocked by the burning trees across the driveway. That crew had to walk out and left their engine behind. That engine was driven away after a few days when the trees were cut and moved off the driveway. It's a long driveway, about 600 feet long, made up of two strips of concrete with large pieces of aggregate. The whole driveway was cracked into many pieces from the weight of the equipment and the number of times the vehicles drove up and down. Witness to this was Kyle Ellison, phone 808-264-3005.
8. If you carry insurance applicable to this claim, please provide the name and address of the insurance company and your policy number.  
None that covered the driveway. It was a State Farm policy through Kit Okazaki and he said the driveway wasn't covered. Policy No. 91-BHL-7108
- A. Did you file a claim with your insurance company? yes  
If yes, amount claimed \$ 200,000 Deductible amount \$ Not recall
- B. If a claim was filed with your insurance company, what action do they intend to take?  
Was told the driveway wasn't covered. They are looking at it again since I said I need a letter of denial for the claim to the County.

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

L. Joesting  
(Signature of Claimant)

July 24, 2024  
(Date)

Claim to County of Maui  
Damage to Driveway at 15465 Haleakala Hwy, Kula  
Harriette L. Holt Revocable Trust

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A. Three contractors contacted for repair estimates

1. Joey's Concrete \$ 145,833.50  
Excludes surveyor, compaction, etc.  
Estimate attached
2. Maui Pacific Construction \$ 165,500.52  
Excludes dust fence, erosion control etc.  
Estimate attached
3. LC Hauling and Grading (Lupe Casillas)  
Contacted by phone. Will provide estimate when I'm ready to do the work.

B. Estimate for surveyor, dust fence, erosion control, etc. is \$35,000

C. Total requested is  $\$165,500 + 35,000 = \$ 200,000$

Please let me know if you have any questions,  
Linden Holt Joesting  
808-573-1958











23-042  
December 29, 2023  
Linderman Holt

**JOEY'S CONCRETE INC.**  
391 KULALANI DR., KULA, HI 96790  
CONTRACTORS LICENSE #C-23306

**SUBMIT TO:**  
Linderman Holt

**JOB NAME**  
Linderman Holt  
15465 Haleakala Hwy.  
Kula, HI. 96790

**PROPOSAL**

1. **NEW DRIVEWAY 614' LONG**  
    12' wide, 4" thick concrete  
    7,368 sq. ft.  
    \$93,750.30
2. **REMOVE EXISTING DRIVEWAY AND RE-BASE FOR NEW DRIVEWAY**  
    Include trucking charges and dumping charges for hauling out rubble.  
    Include material and delivery charges for material.  
    \$52,083.50
3. **ADDITIONAL NOTES**  
    497' length of driveway destroyed due to fire and Maui County firetruck.
4. **TOTAL PROJECT ESTIMATE**  
    \$145,833.50 (Sales tax included)
5. **NOT INCLUDED**

<u>Surveyor services</u>	<u>Landscaping services</u>
<u>Compaction testing</u>	<u>Soil treatment</u>
<u>Termite treatment</u>	<u>Curbs</u>

Joey's Concrete Inc. will provide Materials and Labor except where noted in the above description if any is listed. If you have any questions, contact Joey at the following phone numbers listed below:

Office: 878-3086  
Cell: 269-5979  
Fax: 878-6936

Payment will be made as follows:

- Payment is due in full when invoice is received or when bonding company issues payment.
- Proposal is good for 60 days only.
- Proposal prices subject to 10% increase if job starts after 6 months.
- 25% Deposit down payment

Acceptance of this JOB PROPOSAL will require your signature below and a mailed or faxed copy of this proposal.

Client

Signature: \_\_\_\_\_ DATE: \_\_\_\_\_

ESTIMATES SUBMITTED BY: CLIVAN CREMER



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## MAUI PACIFIC CONSTRUCTION LLC.

### PROPOSAL

P.O. Box 809  
Kula, HI 96790  
License # BC-37222  
808-754-8558  
Keoni.kelly@gmail.com

LINDERMAN HOLT  
15465 Haleakala HWY  
Kula HI 96790  
December 29 2023

Project Title: Linderman Holt  
Project Description: Concrete Driveway Removal and Replacement  
Estimate Number:07322

Description	Quantity	Unit Price	Cost
Removal of Existing Driveway			\$26,000.00
Rebase and Compact Driveway			\$30,000.00
Concrete Driveway 614 feet long 7368 Sqft			\$100,000.00
Subtotal			\$156,000.00
Tax			4.17% \$6,500.52
Total			\$162,500.52

Estimate in good standing for 180 Days.

Estimate does not include : DUST FENCE, SOIL AND COMPACTION TESTING,  
EROSION CONTROL, SURVEYORS

Any questions Contact Keoni.