

PSLU Committee

From: Rosalind Nelson <partnersusa@me.com>
Sent: Wednesday, August 07, 2019 6:11 PM
To: Tamara A. Paltin; Shane M. Sinenci; Kelly King; Alice L. Lee; Mike J. Molina; Keani N. Rawlins; Yukilei Sugimura; PSLU Committee
Cc: Livit Callentine; Jared Burkett; Tom Croly; Mark Merrifield Nelson
Subject: re STVR and B&B permitting in Maui

Dear Ladies and Gentlemen,

Please forgive me for not attending the meeting tonight - my health and age precludes my activities.

I did wish to put my two cents in as an example of permitting problems that I have encountered and solutions that I humbly suggest for your consideration.

Background: I purchased our home at 83 Kapuaimilia Place, Haiku in 2005.. It was always my intention to operate it as a B&B once I retired from real estate in Malibu, CA, where I specialized in land, development and permitting for now 39 years. I did specialize in the California Coastal Commission and have always respected their and my Land Use Plans - sustainable development - not raping the land. As such, I never had the CCC turn down one of my or my client's projects. A record of which I am most proud.

In 2006 I submitted plans through an expeditor for a major remodel along with a completed SMA. I also submitted a Farm Plan that was approved in that year. I did not proceed further with the remodel plans because in 2007 the recession hit, in 2008 I came down with cancer and have suffered numerous operations to overcome the treatments received and mistakes made. As you know the new lady mayor changed how B&B applications were handled. As you probably also know, her actions caused over 900 people to lose their homes to foreclosure due to her reinterpretation of the permitting laws in her first year as Mayor.

I moved into the home in 2011. I had set aside \$500K when we moved into the home for furnishings and debt servicing whilst all licensing was obtained.

In 2012 I made my initial request to submit for the B&B - but was told that the pool cabana had been bootlegged - everything else had been finalled, inspected and had inspector signatures as finalled. I was also told that the Farm Plan was now out of date so this was renewed too. I worked diligently to have everything signed off and finalled for the pool cabana and this was completed in 2017.

As my physical condition had worsened from additional operations required on island, I employed Tom Croly to assist me and he submitted my complete application in May 2018.

I heard nothing from anyone at the county until August 29, 2018, when at 4:48 pm I received an email requesting an inspection of the whole property and all structures the next day. My Plan Checker is Livit Callentine. I knew that the rules were that an applicant was to be given seven (7) days written notification for a site visit, but emailed back immediately that that would be fine.

Ms Callentine arrived with another lady whom she did not introduce, and walked through the home. I then had my husband take them to the Ohana. and they walked the property. They returned to my bedroom from where I work and handed me a pre-prepared warning letter for "advertising" on the internet. I professed my ignorance of any such thing as I have not advertised as I know the rules and I know that to do such a thing would stop my application. At that time Livit stated that "she could have booked on line right then". I stated no way and that she had got it confused maybe.

The next day, I searched the internet and did find things on several search engines - it was clearly stated on each site "If you own this site - claim it" - a clear indication that they had picked it up from some other search engine. I do not know how my information was picked up but once again, I worked diligently to have the sites remove it. On my Linked In profile, where you give your history, I had small blurbs on my dancing career, my flying career and my real estate career, and I had put in "future B&B owner, Maui" with a photo of the home.

So even though that was not advertising in the true sense of the word, I did remove it.

This took several months to remove as sites would take it down and then put it back up again! Finally, earlier this year, I informed Livit that all was cleared and she agreed to continue with my application.

I had supplied the AIA drawings of the original house to Livit but I did not have the construction set as that had burned in one of the Malibu fires - but being the third owner of the home, I could not believe that anyone would expect me to have them. Unfortunately, Livit is implying that it is my responsibility to supply them. And now she has stated that every structure on my property has to have an SMA - I have submitted one on May 28th and they finally came out last Friday August 2nd to once again go through the whole property. Livit is now gone for two weeks on holidays.

Here is my concern for all home owners and future home owners - the County permitted the main home, septic and pool to be built in 1999 - it was finalled and sold. The County permitted the Ohana and second septic and it was finalled in 2002. The pool cabana was built sometime in between.

With all the inspections that had to be performed for the Ohana and 2nd septic:

How come no one said - that cabana was not permitted?

How come no one said where is the SMA - for any of the structures?

How come the county permitted the home to be sold not once but twice if all these things had not been done?

I am now well into my seventh (7th) year on this - my money has run out - I am in foreclosure - if I lose the home the \$1.8 MM that I have invested in it is down the drain - I am behind over \$200K - and all because the County keeps changing the rules or their interpretation of the rules.

Now I have been a professional in this industry for almost 40 years and if I am getting screwed around - imagine what is happening to regular people? When I bought the home I checked all the County records and there were final sign offs from all the inspectors for every category for the pool and the two structures. How does a normal person buy a home and not end up being taken to the cleaner - by the County?

Here is the most important suggestion to avoid this from happening again:

1. The simplest way is to not permit the temporary electricity supply pole to be removed and replaced with a permanent connection until such time as the County issues a written authorization to Maui Electric to do this. This written authorization would not be generated until everything that the County requires is completed. That includes all finalled inspection sign offs, SMAs and any other special area handling requirements that the County may have in effect.

By doing this, everyone is protected. Developers, buyers and the County.

I do have other ideas but will send them later..

Many thanks for reading this - I am available any time, not too early, if you have questions.

Ros Nelson

PS I am 82 and my husband is 86

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