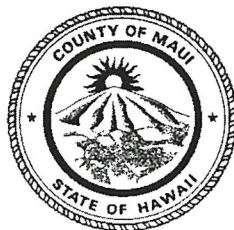


MICHAEL P. VICTORINO
Mayor

MOANA M. LUTEY
Corporation Counsel

EDWARD S. KUSHI, JR.
First Deputy

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



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2019 NOV -8 PM 1:27


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

November 8, 2019

MEMORANDUM

TO: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee

FROM: Caleb P. Rowe, Deputy Corporation Counsel 

SUBJECT: Litigation Matters – Settlement of Claims and Lawsuits (GET-1)
Settlement of Claim No.: 30166871707-0003 of Alyssa Toth

Pursuant to Section 3.16.020B of the Maui County Code, our department hereby requests authorization to discuss settlement of the aforementioned claim. It is anticipated that 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 the Committee. There is no immediate deadline to this matter.

Copies of the claim and proposed Resolution are enclosed. We request that a representative from the Maui Police Department be in attendance during discussion of this matter. If you have any questions, or concerns, please do not hesitate to contact me.

CPR:chs
Enclosure

cc: Chief Tivoli Faaumu,
Maui Police Department

Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. 30166871707-0003 OF ALYSSA TOTH

WHEREAS, Alyssa Toth, filed Claim No. 30166871707-0003 on November 16, 2016, against the County of Maui for injuries and damages to her vehicle she allegedly sustained at the intersection of Kula Highway and Copp Road, Kula, Maui, Hawaii on October 21, 2016 involving a Maui County fleet vehicle being operated by a County employee; and

WHEREAS, Alyssa Toth filed a Complaint with the Second Circuit on October 19, 2018 in order to preserve the statute of limitations on her claim;

WHEREAS, the County of Maui and Alyssa Toth, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a proposed resolution of this claim by way of negotiated settlement, and

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

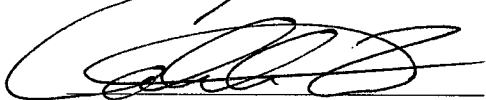
WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this claim by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

Resolution No. _____

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

1. That it approves settlement of Claim No. 30166871707-0003 under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and
2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release and Indemnity Agreement" by Alyssa Toth; and
3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Police Chief, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



CALEB P. ROWE
Deputy Corporation Counsel
County of Maui
RISK 2016-0852

COUNTY OF MAUI
CLAIM FOR DAMAGE OR INJURY

RECEIVED

2016 NOV 16 PM 3:10

PLEASE PRINT CLEARLY

1. Claimant: Mr. ☐ Mrs. ☐ Ms. ☒ Alyssa Toth
2. Address: 20 Aolani Pl. Paia, HI 96779
3. Telephone No.: Business 959-200-6224 Residence 959-200-6224
4. Date of Accident: October 21, 2016
5. Location of Accident: Intersection of Kula Highway & Copp Road
6. Amount of Claim: Property Damage \$ not open Personal Injury \$ 50,000 (estimate)
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. You may write on the back if needed.
- I was making a signaled left-hand turn onto Copp Road off of Kula Highway at 11:15 pm on October 21, 2016 when I was rear ended by David Wikali in his police SUV traveling ~45-50 mph. I felt a sharp impact from behind, even though I was buckled my body lurched forward + sideways resulting in back/neck pain immediately. My car was pushed into the ditch along Kula road. All of my belongings were inside the car, several of which were lost or damaged. I was picked up by Brian Burgess who took me to the hospital where I received treatment + xrays. I was required to tow my car out + lost the use of my vehicle.
8. If you carry insurance applicable to this claim, please provide the name and address of the insurance company and your policy number.

- _____ Policy No. _____
- A. Did you file a claim with your insurance company? _____
- If yes, amount claimed \$ _____ Deductible amount \$ _____
- B. If a claim was filed with your insurance company, what action do they intend to take?
- _____
- _____

vehicle +
feel that
the county
is responsible
for providing
compensation
for my
losses +
injuries.

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

Alyssa Toth

 (Signature of Claimant)

11/16/2016

 (Date)

(Rev. 05/11/95)

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Page 1 of 9 DOT-1-174A (HWY-T) Rev. 06/08

Report Number: 18-043039

[illegible]

This report is prepared for the State of Hawaii Department of Transportation federally mandated 23 USC148, Highway Safety Improvement Program

Page 3 of 8
DOT-1-174C (HWY-T) Rev. 08/08

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Report Number: 18-043839

01		UNIT INFORMATION (Cont.)	
Citation Number Offense Code (H.R.S./R.O. Section No.)		(92) Is this a CMV or Other QUALIFYING Vehicle? <input type="radio"/> No (01) <input type="radio"/> Yes (02) If yes, go to CMV SUPPLEMENT	
(93) Using the Diagram to the Right, Indicate Initial Impact Point in block below.		<input type="radio"/> \$3,000 or Greater (01) <input type="radio"/> Less than \$3,000 (02)	
		<input type="radio"/> None (00) <input type="radio"/> Functional (02) <input type="radio"/> Minor (01) <input type="radio"/> Disabling (03)	
Circle Damaged Areas 1		<input type="radio"/> \$3,000 or Greater (01) <input type="radio"/> Less than \$3,000 (02)	
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<input type="radio"/> Straight (01) <input type="radio"/> Curve Left (02) <input type="radio"/> Curve Right (03)		<input type="radio"/> Level (01) <input type="radio"/> Hillcrest (02) <input type="radio"/> Uphill (03)	
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<input type="radio"/> Dry (01) <input type="radio"/> Wet (02) <input type="radio"/> Mud, Dirt, Gravel (03) <input type="radio"/> Debris (04) <input type="radio"/> Oil (05) <input type="radio"/> Snow (06)		<input type="radio"/> Slush (07) <input type="radio"/> Ice/Frost (08) <input type="radio"/> Water (09) <input type="radio"/> Sand (10)	
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<input type="radio"/> None (00) <input type="radio"/> Bike Route Signed (01) <input type="radio"/> Bike Lane Stripe (02) <input type="radio"/> Separate Path/Lane (03)		<input type="radio"/> No Controls (00) <input type="radio"/> Traffic Signal (01) <input type="radio"/> Stop Sign (02) <input type="radio"/> Yield Sign (03) <input type="radio"/> Flashing Red (04) <input type="radio"/> Flashing Amber (05) <input type="radio"/> Person (06)	
<input type="radio"/> School Zone Sign/Device (07) <input type="radio"/> Warning Sign (08) <input type="radio"/> Railway X-ing Device (09) <input type="radio"/> Other (10)		<input type="radio"/> Avoid Pedestrian (05) <input type="radio"/> Avoid Bicycle (06) <input type="radio"/> Avoid Obj./Animal (07) <input type="radio"/> Avoid Prior MVA (08) <input type="radio"/> Other (09)	
<input type="radio"/> None (00) <input type="radio"/> Right (01) <input type="radio"/> Left (02) <input type="radio"/> Both Sides (03)		<input type="radio"/> None (00) <input type="radio"/> Bike Route Signed (01) <input type="radio"/> Bike Lane Stripe (02) <input type="radio"/> Separate Path/Lane (03)	
<input type="radio"/> None (00) <input type="radio"/> Inattention (01) <input type="radio"/> Misjudgment (02) <input type="radio"/> Fatigue (03) <input type="radio"/> Alcohol (04) <input type="radio"/> Illegal Drugs (05)		<input type="radio"/> None (00) <input type="radio"/> Illness (06) <input type="radio"/> Legal Meds. (07) <input type="radio"/> Emotional (08) <input type="radio"/> Phys. Impaired (09) <input type="radio"/> Other (10)	
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<input type="radio"/> None (00) <input type="radio"/> Bike Route Signed (01) <input type="radio"/> Bike Lane Stripe (02) <input type="radio"/> Separate Path/Lane (03)		<input type="radio"/> No Controls (00) <input type="radio"/> Traffic Signal (01) <input type="radio"/> Stop Sign (02) <input type="radio"/> Yield Sign (03) <input type="radio"/> Flashing Red (04) <input type="radio"/> Flashing Amber (05) <input type="radio"/> Person (06)	
<input type="radio"/> School Zone Sign/Device (07) <input type="radio"/> Warning Sign (08) <input type="radio"/> Railway X-ing Device (09) <input type="radio"/> Other (10)		<input type="radio"/> Avoid Pedestrian (05) <input type="radio"/> Avoid Bicycle (06) <input type="radio"/> Avoid Obj./Animal (07) <input type="radio"/> Avoid Prior MVA (08) <input type="radio"/> Other (09)	
<input type="radio"/> None (00) <input type="radio"/> Right (01) <input type="radio"/> Left (02) <input type="radio"/> Both Sides (03)		<input type="radio"/> None (00) <input type="radio"/> Bike Route Signed (01) <input type="radio"/> Bike Lane Stripe (02) <input type="radio"/> Separate Path/Lane (03)	
<input type="radio"/> None (00) <input type="radio"/> Inattention (01) <input type="radio"/> Misjudgment (02) <input type="radio"/> Fatigue (03) <input type="radio"/> Alcohol (04) <input type="radio"/> Illegal Drugs (05)		<input type="radio"/> None (00) <input type="radio"/> Illness (06) <input type="radio"/> Legal Meds. (07) <input type="radio"/> Emotional (08) <input type="radio"/> Phys. Impaired (09) <input type="radio"/> Other (10)	
<input type="radio"/> None (00) <input type="radio"/> Glare (06) <input type="radio"/> Weather Condition (07) <input type="radio"/> Pedestrian (08) <input type="radio"/> Animal(s) in Road (09) <input type="radio"/> Other (10)		<input type="radio"/> None (00) <input type="radio"/> No Passing, Yellow (06) <input type="radio"/> Curb/Median, Etc. (07) <input type="radio"/> Bikeway Marking (08) <input type="radio"/> Crosswalk Marking (09) <input type="radio"/> Turn Lane (10)	
<input type="radio"/> None (00) <input type="radio"/> Solid Yellow (01) 			

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DOT-1-174B (HWY-T) Rev. 08/08

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Report Number: 18-043938

02	1	UNIT INFORMATION			
<input type="radio"/> Passenger Car (01) <input type="radio"/> Passenger Van (02) <input type="radio"/> Pickup Truck (03) <input type="radio"/> SUV/MPVH (04) <input type="radio"/> Cargo Van < 10,001 lbs. (05) <input type="radio"/> Other Truck < 10,001 lbs. (06) <input type="radio"/> Truck > 10,000 lbs. (07) <input type="radio"/> Transit Bus (08)		<input type="radio"/> School Bus (09) <input type="radio"/> Other Bus (10) <input type="radio"/> Motorcycle (11) <input type="radio"/> Motor Scooter (12) <input type="radio"/> Moped (13) <input type="radio"/> Bicycle (14) <input type="radio"/> Pedestrian (15) <input type="radio"/> Maint/Construct. Equipment (16)		<input type="radio"/> Farm Vehicle/Equipment (17) <input type="radio"/> Motor Coach (18) <input type="radio"/> Motor Home (19) <input type="radio"/> Recreational Vehicle (20) <input type="radio"/> Other (21) <input type="radio"/> Unknown (22)	
		<input type="radio"/> White (01) <input type="radio"/> Black (02) <input type="radio"/> American Indian (03) <input type="radio"/> Chinese (04) <input type="radio"/> Japanese (05) <input type="radio"/> Korean (06) <input type="radio"/> Puerto Rican (07)		<input type="radio"/> Hawaiian (08) <input type="radio"/> Samoan (09) <input type="radio"/> Tongan (10) <input type="radio"/> Vietnamese (11) <input type="radio"/> Filipino (12) <input type="radio"/> Unknown (13) <input type="radio"/> Other (14)	
TOTH		ALYSSA		<input type="radio"/> M (01) <input type="radio"/> F (02) 03/31/1993	
35		LUNA		PL	
PAIA		HI		96779	
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2001		HRO		HI	
CHEVROLET		ASTRO VAN		YBT55	
1		9		7	
G		N		D	
M		1		3	
W		3		1	
B		1		1	
7		2		5	
0		0		0	
<input type="radio"/> No (01) <input type="radio"/> Yes (02)		<input type="radio"/> No (01) <input type="radio"/> Yes (02)		<input type="radio"/> No (01) <input type="radio"/> Yes (02)	
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<input type="radio"/> None (00) <input type="radio"/> Boat (01) <input type="radio"/> Flatbed (02) <input type="radio"/> Horse (03)		<input type="radio"/> U-Drive (12) <input type="radio"/> School Bus (13) <input type="radio"/> Other Bus (14) <input type="radio"/> Other (15)		<input type="radio"/> None (00) <input type="radio"/> Livestock (04) <input type="radio"/> House (05) <input type="radio"/> Van/End. Box (06) <input type="radio"/> Dump (07)	
2-DSD (01)		2-DSW (04)		SUV/MPVH (07)	
4-DSD (02)		4-DSW (05)		Van (08)	
2-DCV (03)		P/U Truck (06)		Truck (09)	
Bus (10)		PCMC (11)		M-Scooter (12)	
Moped (13)		Bicycle (14)		Other (15)	
2001		HRO		HI	
CHEVROLET		ASTRO VAN		YBT55	
1		9		7	
G		N		D	
M		1		3	
W		3		1	
B		1		1	
7		2		5	
0		0		0	
<input type="radio"/> No (01) <input type="radio"/> Yes (02)		<input type="radio"/> No (01) <input type="radio"/> Yes (02)		<input type="radio"/> No (01) <input type="radio"/> Yes (02)	
<input type="radio"/> None (00) <input type="radio"/> Driver Trng. (01) <input type="radio"/> Construction/Maintenance (02) <input type="radio"/> Taxi (03)		<input type="radio"/> Fire Truck (04) <input type="radio"/> Tow Truck (05) <input type="radio"/> Ambulance (06) <input type="radio"/> Police-On Duty (07)		<input type="radio"/> Police-Off Duty (08) <input type="radio"/> Military (09) <input type="radio"/> Government (10) <input type="radio"/> Farm Use (11)	
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Officer's Initials: HMG

Supervisor's Initials:

11-22-2016

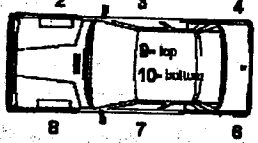
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Page 5 of 9
DOT-1-174C (HWY-1) Rev. 06/08

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Report Number: 18-043839

02		UNIT INFORMATION (Cont.)	
Citation Number	Offense Code (H.R.S./R.O. Section No.)	<input type="radio"/> \$3,000 or Greater (01) <input type="radio"/> Less than \$3,000 (02)	<input type="radio"/> None (00) <input type="radio"/> Functional (02) <input type="radio"/> Minor (01) <input type="radio"/> Disabling (03)
		(92) Is this a CMV or Other QUALIFYING Vehicle? <input type="radio"/> No (01) <input type="radio"/> Yes (02) If yes, go to CMV SUPPLEMENT	
(93) Using the Diagram to the Right, Indicate Initial Impact Point in block below: 		<input type="radio"/> \$3,000 or Greater (01) <input type="radio"/> Less than \$3,000 (02)	
Circle Damaged Areas 1 5		<input type="radio"/> \$3,000 or Greater (01) <input type="radio"/> Less than \$3,000 (02)	
<input type="radio"/> Straight Ahead (01) <input type="radio"/> Changing Lanes (02) <input type="radio"/> Merging (03) <input type="radio"/> Overtaking/Passing (04) <input type="radio"/> Slowing/Stopping (05) <input type="radio"/> Backing (06)		<input type="radio"/> Parking (07) <input type="radio"/> Parked (08) <input type="radio"/> Start from Parked (09) <input type="radio"/> Stopped in Traffic (10) <input type="radio"/> Start in Traffic (11) <input type="radio"/> Right Turn on Red (12) <input type="radio"/> Turning Right (13)	
<input type="radio"/> Turning Left (14) <input type="radio"/> U-Turn (15) <input type="radio"/> Entering Traffic (16) <input type="radio"/> Negotiating a Curve (17) <input type="radio"/> Other (18)		<input type="radio"/> Intended Maneuver (01) <input type="radio"/> Traffic Controls (02) <input type="radio"/> Mechanical Failure (03) <input type="radio"/> Avoid Other Vehicle (04)	
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<input type="radio"/> School Zone Sign/Device (07) <input type="radio"/> Warning Sign (08) <input type="radio"/> Railway X-ing Device (09) <input type="radio"/> Other (10)			
<input type="radio"/> Functioning Properly (01) <input type="radio"/> Knocked Down (02) <input type="radio"/> Obscured (03) <input type="radio"/> Red Malfunction (04) <input type="radio"/> Yellow Malfunction (05)		<input type="radio"/> Green Malfunction (06) <input type="radio"/> Arrow Malfunction (07) <input type="radio"/> Lights Not Changing (08) <input type="radio"/> Other Malfunction (09)	
<input type="radio"/> None (00) <input type="radio"/> Solid Yellow (01) <input type="radio"/> Skip-Dash Yellow (02) <input type="radio"/> Solid White (03) <input type="radio"/> Skip-Dash White (04) <input type="radio"/> Solid Double Yellow (05)		<input type="radio"/> None (00) <input type="radio"/> No Passing, Yellow (06) <input type="radio"/> Curb/Median, Etc. (07) <input type="radio"/> Bikeway Marking (08) <input type="radio"/> Crosswalk Marking (09) <input type="radio"/> Turn Lane (10)	
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<input type="radio"/> No Improper Action (00) <input type="radio"/> Drove too Fast for Conditions (01) <input type="radio"/> Exceed Posted Speed Limit (02) <input type="radio"/> Disregard Traffic Signals (03) <input type="radio"/> Disregard Red Light (04) <input type="radio"/> Disregard Other Trfc. Ctl. Dev. (05)		<input type="radio"/> Failure to Yield (06) <input type="radio"/> Wrong Side/Way (07) <input type="radio"/> Crossed Centerline (08) <input type="radio"/> Ran off Road (09) <input type="radio"/> Failure to Keep in Proper Lane (10) <input type="radio"/> Improper Turn (11) <input type="radio"/> Improper Passing (12)	
<input type="radio"/> Improper Backing (13) <input type="radio"/> Followed too Closely (14) <input type="radio"/> Aggressive, Reckless Driving (15) <input type="radio"/> Swerved to Avoid Obstacle (16) <input type="radio"/> Over Correcting or Over Steering (17)		<input type="radio"/> Other Improper Action (18) <input type="radio"/> Illegally in Roadway (19) <input type="radio"/> Improper Crossing (20) <input type="radio"/> Pedestrian Viol. (21) <input type="radio"/> Intention [Talking, Etc.] (22) <input type="radio"/> Bicycle Violation (23) <input type="radio"/> Clothing not Visible (24)	
<input type="radio"/> Concrete (01) <input type="radio"/> Asphalt (02) <input type="radio"/> Gravel (03) <input type="radio"/> Dirt (04) <input type="radio"/> Other (05)		<input type="radio"/> Dry (01) <input type="radio"/> Wet (02) <input type="radio"/> Mud, Dirt, Gravel (03) <input type="radio"/> Debris (04) <input type="radio"/> Oil (05) <input type="radio"/> Snow (06)	
<input type="radio"/> None (00) <input type="radio"/> Ruts, Holes, Etc. (01) <input type="radio"/> No Shoulder (02)		<input type="radio"/> Low Shoulder (03) <input type="radio"/> Soft Shoulder (04) <input type="radio"/> High Shoulder (05)	
<input type="radio"/> Loose Material (06) <input type="radio"/> Worn, Polished (07) <input type="radio"/> Other (08)		<input type="radio"/> Straight (01) <input type="radio"/> Curve Left (02) <input type="radio"/> Curve Right (03)	
<input type="radio"/> Level (01) <input type="radio"/> Hillcrest (02) <input type="radio"/> Uphill (03)		<input type="radio"/> Downhill (04) <input type="radio"/> Sag (05)	
SGTD1 GILROY, HEATHER M		12887	

11-22-2016

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 DOT-1-174D (HWY-T) Rev.08/08

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Report Number: **18-043939**

DIAGRAM																																																																															
(114) Tire Skid Marks (Feet) <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Wheel</th> <th>Unit</th> <th>Unit</th> <th>Unit</th> <th>Unit</th> </tr> </thead> <tbody> <tr> <td>Rgt-R</td> <td>0</td> <td>0</td> <td></td> <td></td> </tr> <tr> <td>Lft-F</td> <td>0</td> <td>0</td> <td></td> <td></td> </tr> <tr> <td>Rgt-F</td> <td>0</td> <td>0</td> <td></td> <td></td> </tr> <tr> <td>Lft-R</td> <td>0</td> <td>0</td> <td></td> <td></td> </tr> </tbody> </table>					Wheel	Unit	Unit	Unit	Unit	Rgt-R	0	0			Lft-F	0	0			Rgt-F	0	0			Lft-R	0	0			(115) REFERENCE POINT IS <u>0</u> (feet) <u></u> (direction) <u></u> (Object/Landmark) ALL OBJECTS ARE MEASURED FROM POINT OF REFERENCE <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Object</th> <th>N</th> <th>S</th> <th>E</th> <th>W</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>					Object	N	S	E	W																																								
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(117) Main Road (A) No. of Lanes: <u>2</u> (B) Speed Limit: <u>45</u>																																																																															
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Draw Object, Directions, Etc. According to Current Practices.																																																																															
<div style="position: relative; width: 100%; height: 100%;"> <div style="position: absolute; top: 10px; right: 10px; border: 1px solid black; border-radius: 50%; width: 80px; height: 80px; text-align: center; line-height: 80px; font-size: 0.8em;"> Place an arrow in the above circle to indicate North. </div> </div>																																																																															
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STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Report Number: 16-043239

[illegible]

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DOT-1-174G (HWY-T) Rev.06/08

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Report Number: 18-043838

Narrative

Heather M. GILROY E # 12687
Sergeant, District One
Community Policing Unit

ASSIGNMENT/ARRIVAL:

On 10/21/16 at about 2315 hours I overheard Officer James BURKETT call off on motor vehicle accident in the area of Kula Highway and Copp Road in Kula. It was related that a marked patrol vehicle had been involved in the motor vehicle accident. I headed that way and arrived at about 2340 hours, made the following observations.

OBSERVATIONS/ACTIONS:

Upon arrival I observed Maui Police Department Fleet Vehicle MPD-547 straddling the double solid yellow line, in the middle of Kula Highway. There was extensive damage to the front end of the SUV. There was also liquids leaking and pooling from the front of the vehicle onto Kula Highway. On the southeast corner of Copp Road and Kula Highway intersection I observed a full size brown van down a ditch, off the roadway. The van had damage to the rear doors. I checked on the welfare of Officer WIKOLI. He related that he was not injured and just had irritation from the airbag chemicals. I made contact with the operator of the van, Alyssa TOTH who complained of pain to her lower back. She declined immediate medical attention and related she would seek treatment on her own. She did not have any visible injuries.

WARNING AND WAIVER OF RIGHTS:

On 10/21/16 at 2320 hours Alyssa TOTH was advised of her Constitutional Rights utilizing MPD Form 103. TOTH indicated understanding her rights and elected to provide a statement regarding the motor vehicle accident.

UNIT TWO STATEMENT: Alyssa TOTH A/F/Cau/Cit

TOTH related that on this date at about 2310 hours she was traveling south on Kula Highway within her van bearing Hawaii License Plate YBT-55. She purchased the vehicle two days ago and had yet to purchase insurance for it. She moved to the island about a month ago and was getting her affairs in order. Upon approaching the intersection of Copp Road and Kula Highway, she prepared to execute a left hand turn onto Copp Road from Kula Highway. She activated her left hand turn blinker and slowed for the turn. All of a sudden she felt a sharp impact from behind. Her vehicle pushed forward as a result of the impact and she tried to turn to avoid the guard rail. She continued sliding and went down a dirt / grass embankment. She felt pain to her lower back area as a result of the impact. She exited her vehicle and the Officer asked her if she was ok. Shortly after another Officer arrived. TOTH estimated her speed of travel to be between 40 and 45 miles per hour prior to executing the turn. TOTH was wearing her seatbelt at the time of the collision.

WARNING AND WAIVER OF RIGHTS:

On 10/22/16 at 0010 hours David WIKOLI was advised of his Constitutional Rights utilizing MPD Form 103. WIKOLI indicated understanding his rights and elected to provide a statement regarding the motor vehicle accident.

UNIT ONE STATEMENT: David WIKOLI A/M/Hwn/Cit

WIKOLI related that on 10/21/16 at about 2310 hours he was traveling home to his residence in Kula from the Wailuku Police Station. He was operating his assigned HITT vehicle, MPD-547. He was behind a large brown van for a length of the way, however does not remember whereabouts on the highway he first got behind it. As he was approaching the

SGTD1 GILROY, HEATHER M

12687

STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Report Number: 18-043838

Narrative

intersection of Kula Highway and Copp Road he realized that all of a sudden he was about one car length away from the brown van. He slammed on his brakes to avoid hitting the van, however did not have enough time and collided with the rear end of the full size van. Both his vehicle and the van were pushed forward as a result of the impact. His front airbags deployed as a result of the impact. WIKOLI estimates his speed of travel to be between 45 and 50 miles per hour prior to the impact. WIKOLI reported not seeing a left hand turn signal or blinker illuminated on the van. He cannot remember seeing red brake lights. He immediately exited his vehicle and checked on the welfare of the female driver of the van. She was shaken up, but said she was alright. He reported irritation from the airbag chemicals. Officer BURKETT arrived a minute or two after the collision. WIKOLI was wearing his seatbelt at the time of the collision.

DAMAGES:

MPD Marked Fleet Vehicle MPD-547 sustained extensive damages to the front end, hood and bumper. Vehicle YBT-55 sustained damages to the rear doors of the van.

TOW:

Contact made with Maui Tow by Dispatch, however they were unavailable. 808 Towing responded and towed MPD-547 to the Wailuku Police Station.

SKETCH:

Refer to attached sketch by Officer BURKETT.

INJURIES:

Unit two operator, Alyssa TOTH complained of pain to her lower back area. She declined medical attention at the scene and indicated that she would follow up with her primary care physician at a later time.

SUMMARY:

Unit one (MPD-547) traveling south on Kula Highway collided into Unit two (YBT-55) whom was executing a left hand turn onto Copp Road from Kula Highway. Unit two operator complained of lower back pain.

SGTD1 GILROY, HEATHER M	12887				
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STATE OF HAWAII MOTOR VEHICLE ACCIDENT REPORT

Report Number: 16-043638

Narrative Supplement

Supplement type:

J. BURKETT #15266
WAILUKU PATROL
10/22/2016 @0300 HRS.

ON BEAT:

On 10/21/16 at 2315 hours, I was conducting beat checks and traveling north on Kula Highway while approaching the Copp Road intersection.

OFFICER'S OBSERVATIONS/ACTIONS:

Upon approaching the above intersection area, I observed a vehicle stopped on the center lines with steam coming from the hood area. Upon closer inspection, I observed the vehicle sustained damage to the front bumper and hood area. I identified the vehicle as an MPD sport utility vehicle bearing Hawaii LP# MPD 547 and observed the operator as Officer David WIKOLI.

I exited my patrol vehicle and checked OFC. D. WIKOLI who stated he was not injured. I then observed a brown Chevrolet Astrovan bearing Hawaii LP# YBT 55 stopped on the east side of the roadway with rear end damage. I identified the driver and sole occupant as Alyssa TOTH, who initially stated she was not injured.

SUPERVISOR NOTIFICATION:

After checking both drivers for injuries, I contacted SGT. H. GILROY by cell phone at 2317 hours and advised her of the incident involving an MPD vehicle.

CITATION ISSUED:

While obtaining vehicle information from TOTH, she was unable to provide current motor vehicle insurance and said she had just purchased the vehicle a few days earlier. Citation #2DTC-16-003361 was issued to TOTH for the offense of NO MOTOR VEHICLE INSURANCE POLICY.

J. BURKETT #15266
WAILUKU PATROL
10/22/2016 @0300 HRS.

PO2 BURKETT, JAMES A	15266	11			11
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