

**Alan T. Haruki**  
**918 Ilaniwai Street**  
**Honolulu, Hawaii 96813**

September 26, 2024

Email: [hcda.contact@hawaii.gov](mailto:hcda.contact@hawaii.gov)

Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

**HAWAII COMMUNITY DEVELOPMENT AUTHORITY**  
**KAKA'AKO BOARD MEETING**

Meeting Date and Time: October 2, 2024, 9:00 a.m.

Agenda Item/Position: III. Decision Making; 3. Support the Action to Proceed with Administrative Action against Kakaako Land Company, LLC in the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District

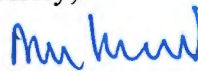
Aloha Executive Director Craig Nakamoto and Members of the Board,

My name is Alan T. Haruki.

Attached is a copy of my declaration that was filed by the State of Hawaii in the litigation in the First Circuit Court case entitled *Butch Burke, et al. vs. Kakaako Land Company, LLC, et al.*, Civil No. 1CC141001912 (JPC). In this case, Kakaako Land Company, LLC claimed ownership of the Kakaako roads which were subject of the litigation. The First Circuit Court, Judge Jeffrey P. Crabtree, ruled that the subject Kakaako roads are owned by the State of Hawaii in the Amended Findings of Fact and Conclusions of Law, and Order [Dkt 846] filed on February 11, 2021.

Please consider my attached declaration as testimony in support of reinstating the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District.

Sincerely,



Alan T. Haruki

Encl.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BUTCH BURKE; QUEEN AUTO, LCC;  
TROPICAL LAMP & SHADE CO.,  
LTD.; TROPICAL OTTO PARTS; U.  
OKADA & COMPANY, LTD;  
THEODORE UYEDA,

Plaintiffs,

vs.

KAKAAKO LAND COMPANY, LLC;  
CEDRIC CHUN, CALVERT J.T. CHUN;  
CITY AND COUNTY OF HONOLULU;  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY; STATE OF HAWAII; DOE  
DEFENDANTS 1-50,

Defendants.

CIVIL NO. 1CC141001912(JPC)  
[Consolidated]

DECLARATION OF ALAN T. HARUKI

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Plaintiff,

vs.

HEIRS AND ASSIGNS OF CHARLES S.  
DESKY; HEIRS AND ASSIGNS OF  
MINNIE DESKY; HEIRS AND ASSIGNS  
OF FLORENCE DESKY; HEIRS AND  
ASSIGNS OF HENRY BERNARD  
CHRISTIAN; HEIRS AND ASSIGNS OF  
PAUL BERNARD CHRISTIAN; HEIRS  
AND ASSIGNS OF ADELE M.  
CHRISTIAN; and Heirs of persons named  
above who are deceased, or persons holding  
under said Heirs, and spouses, assigns,  
successors, personal representatives,  
executors, personal representative, executors,  
administrators, and trustees of persons named  
above who are deceased; STATE OF  
HAWAII; CITY AND COUNTY OF

CIVIL NO. 1CCV-20-0000123 (JPC)  
[Consolidated]

HONOLULU; DOES 1-100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

Defendants.

STATE OF HAWAII,

Counterclaim Plaintiff,

vs.

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Counterclaim Defendant.

DECLARATION OF ALAN T. HARUKI

I, ALAN T. HARUKI, pursuant to Rule 7(g) of the Rules of Circuit Courts of the State of Hawaii, declare as follows:

1. That I have been a business owner in Kakaako since about 1985. My business, Hawaii Import Parts, Inc., is located at 918 Ilaniwai Street, Honolulu, Hawaii 96813.
2. From and after the start date of my business I had been using without payment to anyone the areas proximate to my business operation as parking for my customers (“My Customer Parking Area”). From on or about March 2020 the Chun brothers abruptly asserted ownership of My Customer Parking Area, and informed me that I could no longer use My Customer Parking Area unless I paid them parking rental fees.
3. The following is a practice used by the Chun brothers to this date. When I refused to pay the parking rental fees demanded by the Chun brothers, they caused the vehicles owned by me and/or my customers to be towed from My Customer Parking Area by a towing company.

I, ALAN T. HARUKI, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, 01/11/2021.



\_\_\_\_\_  
ALAN T. HARUKI

**Bob Emami**  
**836 Kawaiahao Street**  
**Honolulu, Hawaii 96813**

September 26, 2024

**Email: [hcdcontact@hawaii.gov](mailto:hcdcontact@hawaii.gov)**

Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

**HAWAI'I COMMUNITY DEVELOPMENT AUTHORITY**  
**KAKA'AKO BOARD MEETING**

Meeting Date and Time: October 2, 2024, 9:00 a.m.

Agenda Item/Position: III. Decision Making; 3. Support the Action to Proceed with Administrative Action against Kakaako Land Company, LLC in the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District

Aloha Executive Director Craig Nakamoto and Members of the Board,

My name is Bob Emami.

Attached is a copy of my declaration that was filed by the State of Hawaii in the litigation in the First Circuit Court case entitled *Butch Burke, et al. vs. Kakaako Land Company, LLC, et al.*, Civil No. 1CC141001912 (JPC). In this case, Kakaako Land Company, LLC claimed ownership of the Kakaako roads which were subject of the litigation. The First Circuit Court, Judge Jeffrey P. Crabtree, ruled that the subject Kakaako roads are owned by the State of Hawaii in the Amended Findings of Fact and Conclusions of Law, and Order [Dkt 846] filed on February 11, 2021.

Please consider my attached declaration as testimony in support of reinstating the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District.

Sincerely,



Bob Emami

Encl.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BUTCH BURKE; QUEEN AUTO, LCC;  
TROPICAL LAMP & SHADE CO.,  
LTD.; TROPICAL OTTO PARTS; U.  
OKADA & COMPANY, LTD;  
THEODORE UYEDA,

Plaintiffs,

vs.

KAKAAKO LAND COMPANY, LLC;  
CEDRIC CHUN, CALVERT J.T. CHUN;  
CITY AND COUNTY OF HONOLULU;  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY; STATE OF HAWAI'I; DOE  
DEFENDANTS 1-50,

Defendants.

CIVIL NO. 1CC141001912(JPC)  
[Consolidated]

DECLARATION OF BOB EMAMI

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Plaintiff,

vs.

HEIRS AND ASSIGNS OF CHARLES S.  
DESKY; HEIRS AND ASSIGNS OF  
MINNIE DESKY; HEIRS AND ASSIGNS  
OF FLORENCE DESKY; HEIRS AND  
ASSIGNS OF HENRY BERNARD  
CHRISTIAN; HEIRS AND ASSIGNS OF  
PAUL BERNARD CHRISTIAN; HEIRS  
AND ASSIGNS OF ADELE M.  
CHRISTIAN; and Heirs of persons named  
above who are deceased, or persons holding  
under said Heirs, and spouses, assigns,  
successors, personal representatives,  
executors, personal representative, executors,  
administrators, and trustees of persons named  
above who are deceased; STATE OF  
HAWAII; CITY AND COUNTY OF

CIVIL NO. 1CCV-20-0000123 (JPC)  
[Consolidated]

HONOLULU; DOES 1-100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

Defendants.

STATE OF HAWAII,

Counterclaim Plaintiff,

vs.

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Counterclaim Defendant.

DECLARATION OF BOB EMAMI

I, BOB EMAMI, pursuant to Rule 7(g) of the Rules of Circuit Courts of the State of Hawaii, declare as follows:

1. That I have been a business owner in Kakaako since about 2004. I am the owner of The Car Store Inc. at 836 Kawaiahao Street, Honolulu, Hawaii 96813.

2. From and after the start date of my business I had been using without payment to anyone the areas proximate to my business operation as parking for my customers (“My Customer Parking Area”). From on or about December 2015 the Chun brothers abruptly asserted ownership of My Customer Parking Area, and informed me that I could no longer use My Customer Parking Area unless I paid them parking rental fees.

3. The following is a practice used by the Chun brothers to this date. When I refused to pay the parking rental fees demanded by the Chun brothers, they caused the vehicles

owned by me and/or my customers to be towed from My Customer Parking Area by a towing company.

4. The Chun brothers have been renting parking stalls to third parties in My Customer Parking Area in a manner which obstructs access to my business operation.

5. The Chun brothers have placed the parking stalls in a manner which appears to interfere with full and free use of the traveled lanes of the streets.

6. The Chun brothers without my knowledge or consent screwed or otherwise attached their parking signs on the side of my building proximate to My Customer Parking Area.

7. Since Kakaako Land Company (“KLC”) laid their claim on Kawaiahao Street, I have been forced to pay for the parking spot right in front of my business. KLC started a campaign of intimidation to force me to pay for the spot in front of my business. At first, KLC started parking a big truck in front of my business to block the view of my business from the street. Then they switched to parking run down and beat-up cars which totally ruined the view of my business. I have been threatened that our cars would be towed which created constant anxiety and headache for me. It got to a point where I was fed up with the pressure and anxiety and agreed to pay them to leave me alone.

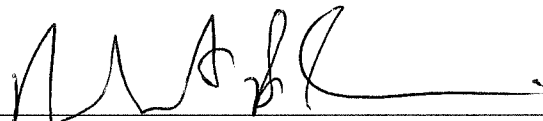
8. Since my business deals with car sales, I use Kawaiahao Street on a regular basis and the poor condition of the roads filled with potholes has taken a toll on my cars and has created a lot of expense for me. Furthermore, the lack of sidewalks has made walking a hazardous endeavor. People have to walk on the street with no sidewalks. There are numerous cases of women pushing a stroller down the street which is extremely dangerous. On the other hand, the lack of streetlights have created a haven for the homeless and drug users at night and for these reasons, the residents refer to Kawaiahao Street as “No Man’s Land.”



9. There is construction going on in front of my business. The construction company has leased one third of the width of the street from KLC making a narrow road much more unsafe to drive on. The fact that KLC claims they own the “shoulders” of the road is disputed by them leasing 1/3<sup>rd</sup> of the whole road to a construction company that has drilled holes in the asphalt and put up a barrier. Taking over 1/3<sup>rd</sup> off the road and putting up barriers is not the “shoulders” anymore. It is encroachment on the actual road that is being used by hundreds of cars, every single day. That has added to the unsafe driving and pedestrian traffic danger on Kawaiahao Street.

I, BOB EMAMI, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, 1/7/21.

  
\_\_\_\_\_  
BOB EMAMI

**Butch Burke**  
**980 Queen Street**  
**Honolulu, Hawaii 96813**

September 26, 2024

*Email: [hcdcontact@hawaii.gov](mailto:hcdcontact@hawaii.gov)*

Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

**HAWAII COMMUNITY DEVELOPMENT AUTHORITY**  
**KAKA'AKO BOARD MEETING**

Meeting Date and Time: October 2, 2024, 9:00 a.m.

Agenda Item/Position: III. Decision Making; 3. Support the Action to Proceed with Administrative Action against Kakaako Land Company, LLC in the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaihahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District

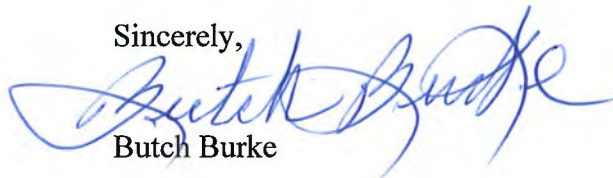
Aloha Executive Director Craig Nakamoto and Members of the Board,

My name is Butch Burke.

Attached is a copy of my declaration that was filed by the State of Hawaii in the litigation in the First Circuit Court case entitled *Butch Burke, et al. vs. Kakaako Land Company, LLC, et al.*, Civil No. 1CC141001912 (JPC). In this case, Kakaako Land Company, LLC claimed ownership of the Kakaako roads which were subject of the litigation. The First Circuit Court, Judge Jeffrey P. Crabtree, ruled that the subject Kakaako roads are owned by the State of Hawaii in the Amended Findings of Fact and Conclusions of Law, and Order [Dkt 846] filed on February 11, 2021.

Please consider my attached declaration as testimony in support of reinstating the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaihahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District.

Sincerely,



Butch Burke

Encl.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BUTCH BURKE; QUEEN AUTO, LCC;  
TROPICAL LAMP & SHADE CO.,  
LTD.; TROPICAL OTTO PARTS; U.  
OKADA & COMPANY, LTD;  
THEODORE UYEDA,

Plaintiffs,

vs.

KAKAAKO LAND COMPANY, LLC;  
CEDRIC CHUN, CALVERT J.T. CHUN;  
CITY AND COUNTY OF HONOLULU;  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY; STATE OF HAWAI'I; DOE  
DEFENDANTS 1-50,

Defendants.

CIVIL NO. 1CC141001912(JPC)  
[Consolidated]

DECLARATION OF BUTCH BURKE

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Plaintiff,

vs.

HEIRS AND ASSIGNS OF CHARLES S.  
DESKY; HEIRS AND ASSIGNS OF  
MINNIE DESKY; HEIRS AND ASSIGNS  
OF FLORENCE DESKY; HEIRS AND  
ASSIGNS OF HENRY BERNARD  
CHRISTIAN; HEIRS AND ASSIGNS OF  
PAUL BERNARD CHRISTIAN; HEIRS  
AND ASSIGNS OF ADELE M.  
CHRISTIAN; and Heirs of persons named  
above who are deceased, or persons holding  
under said Heirs, and spouses, assigns,  
successors, personal representatives,  
executors, personal representative, executors,  
administrators, and trustees of persons named  
above who are deceased; STATE OF  
HAWAII; CITY AND COUNTY OF

CIVIL NO. 1CCV-20-0000123 (JPC)  
[Consolidated]

HONOLULU; DOES 1-100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

Defendants.

STATE OF HAWAII,

Counterclaim Plaintiff,

vs.

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Counterclaim Defendant.

DECLARATION OF BUTCH BURKE

I, BUTCH BURKE, pursuant to Rule 7(g) of the Rules of Circuit Courts of the State of Hawaii, declare as follows:

1. That I have been a business owner in Kakaako for approximately six years. My business address is 980 Queen Street, Honolulu, Hawaii 96814.
2. From and after the start date of my business I had been using without payment to anyone the areas proximate to my business operation as parking for my customers (“My Customer Parking Area”). From on or about June 2018 the Chun brothers abruptly asserted ownership of My Customer Parking Area, and informed me that I could no longer use My Customer Parking Area unless I paid them parking rental fees.
3. The following is a practice being used by the Chun brothers to this date. When I refused to pay the parking rental fees demanded by the Chun brothers, they caused the vehicles

owned by me and/or my customers to be towed from My Customer Parking Area by a towing company.

4. Approximately five years ago the Chun brothers caused six of my vehicles to be crushed after being towed from My Customer Parking Area.

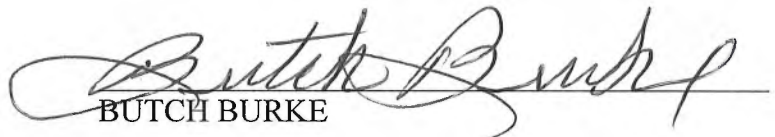
5. The Chun brothers have been renting parking stalls to third parties in My Customer Parking Area in a manner which obstructs access to my business operation.

6. The Chun brothers have placed the parking stalls in a manner which appears to interfere with full and free use of the traveled lanes of the streets.

7. The Chun brothers without my knowledge or consent screwed or otherwise attached their parking signs on the side of my building proximate to My Customer Parking Area.

I, BUTCH BURKE, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, 1-11-21.

  
BUTCH BURKE

**Chuck H. Garner**  
**505 Kamani Street**  
**Honolulu, Hawaii 96813**

September 26, 2024

*Email: hcda.contact@hawaii.gov*

Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

**HAWAII COMMUNITY DEVELOPMENT AUTHORITY**  
**KAKA'AKO BOARD MEETING**

Meeting Date and Time: October 2, 2024, 9:00 a.m.

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Aloha Executive Director Craig Nakamoto and Members of the Board,

My name is Chuck H. Garner.

Attached is a copy of my declaration that was filed by the State of Hawaii in the litigation in the First Circuit Court case entitled *Butch Burke, et al. vs. Kakaako Land Company, LLC, et al.*, Civil No. 1CC141001912 (JPC). In this case, Kakaako Land Company, LLC claimed ownership of the Kakaako roads which were subject of the litigation. The First Circuit Court, Judge Jeffrey P. Crabtree, ruled that the subject Kakaako roads are owned by the State of Hawaii in the Amended Findings of Fact and Conclusions of Law, and Order [Dkt 846] filed on February 11, 2021.

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Sincerely,



Chuck H. Garner

Encl.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BUTCH BURKE; QUEEN AUTO, LCC;  
TROPICAL LAMP & SHADE CO.,  
LTD.; TROPICAL OTTO PARTS; U.  
OKADA & COMPANY, LTD;  
THEODORE UYEDA,

Plaintiffs,

vs.

KAKAAKO LAND COMPANY, LLC;  
CEDRIC CHUN, CALVERT J.T. CHUN;  
CITY AND COUNTY OF HONOLULU;  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY; STATE OF HAWAI'I; DOE  
DEFENDANTS 1-50,

Defendants.

CIVIL NO. 1CC141001912(JPC)  
[Consolidated]

DECLARATION OF CHUCK H. GARNER

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Plaintiff,

vs.

HEIRS AND ASSIGNS OF CHARLES S.  
DESKY; HEIRS AND ASSIGNS OF  
MINNIE DESKY; HEIRS AND ASSIGNS  
OF FLORENCE DESKY; HEIRS AND  
ASSIGNS OF HENRY BERNARD  
CHRISTIAN; HEIRS AND ASSIGNS OF  
PAUL BERNARD CHRISTIAN; HEIRS  
AND ASSIGNS OF ADELE M.  
CHRISTIAN; and Heirs of persons named  
above who are deceased, or persons holding  
under said Heirs, and spouses, assigns,  
successors, personal representatives,  
executors, personal representative, executors,  
administrators, and trustees of persons named  
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HAWAII; CITY AND COUNTY OF

CIVIL NO. 1CCV-20-0000123 (JPC)  
[Consolidated]

HONOLULU; DOES 1-100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

Defendants.

STATE OF HAWAII,

Counterclaim Plaintiff,

vs.

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Counterclaim Defendant.

DECLARATION OF CHUCK H. GARNER

I, CHUCK H. GARNER, pursuant to Rule 7(g) of the Rules of Circuit Courts of the State of Hawaii, declare as follows:

1. That I have been a business owner of Chuck's Corvette in Kakaako since March 1978. My business address is 505 Kamani Street, Honolulu, Hawaii 96813.
2. From and after the start date of my business I had been using without payment to anyone the areas proximate to my business operation as parking for my customers ("My Customer Parking Area"). From on or about May 2019 the Chun brothers abruptly asserted ownership of My Customer Parking Area, and informed me that I could no longer use My Customer Parking Area unless I paid them parking rental fees.
3. The following is a practice used by the Chun brothers to this date. When I refused to pay the parking rental fees demanded by the Chun brothers, they caused the vehicles owned by me and/or my customers to be towed from My Customer Parking Area by a towing company.



4. The Chun brothers have been renting parking stalls to third parties in My Customer Parking Area in a manner which obstructs access to my business operation.

5. The Chun brothers have placed the parking stalls in a manner which appears to interfere with full and free use of the traveled lanes of the streets.

6. The Chun brothers without my knowledge or consent screwed or otherwise attached their parking signs on the side of my building proximate to My Customer Parking Area.

7. On October 4, 2019, three of my vehicles were illegally towed by TOW JAMS/ VIP TOWING.

8. Later, the Chun brothers came by and surveyed the front of the building. They later informed me that I was not able to park on their property which I have been doing for the last 42 years. I informed them that the law was on my side. The Chun brothers told me that I was wrong.

9. I have been waiting for over a year for the Courts to make a ruling on this. I have been to Court on three different occasions on the same problem.

10. In addition to this situation, the Chun brothers have contacted another company, Parklinq, to charge per hour parking at night on this same property which I am already paying Kakaako Land Company.

I, CHUCK H. GARNER, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, 1/8/21.

  
\_\_\_\_\_  
CHUCK H. GARNER

**Gordon Jeff LaChance**  
**807 Kawaiahao Street**  
**Honolulu, Hawaii 96813**

September 26, 2024

**Email: [hxda.contact@hawaii.gov](mailto:hxda.contact@hawaii.gov)**

Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

**HAWAII COMMUNITY DEVELOPMENT AUTHORITY**  
**KAKA'AKO BOARD MEETING**

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Aloha Executive Director Craig Nakamoto and Members of the Board,

My name is Gordon Jeff LaChance.

Attached is a copy of my declaration that was filed by the State of Hawaii in the litigation in the First Circuit Court case entitled *Butch Burke, et al. vs. Kakaako Land Company, LLC, et al.*, Civil No. 1CC141001912 (JPC). In this case, Kakaako Land Company, LLC claimed ownership of the Kakaako roads which were subject of the litigation. The First Circuit Court, Judge Jeffrey P. Crabtree, ruled that the subject Kakaako roads are owned by the State of Hawaii in the Amended Findings of Fact and Conclusions of Law, and Order [Dkt 846] filed on February 11, 2021.

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Sincerely,

  
Gordon Jeff LaChance

Encl.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BUTCH BURKE; QUEEN AUTO, LCC;  
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LTD.; TROPICAL OTTO PARTS; U.  
OKADA & COMPANY, LTD;  
THEODORE UYEDA,

Plaintiffs,

vs.

KAKAAKO LAND COMPANY, LLC;  
CEDRIC CHUN, CALVERT J.T. CHUN;  
CITY AND COUNTY OF HONOLULU;  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY; STATE OF HAWAII; DOE  
DEFENDANTS 1-50,

Defendants.

CIVIL NO. 1CC141001912(JPC)  
[Consolidated]

DECLARATION OF GORDON JEFF  
LACHANCE

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Plaintiff,

vs.

HEIRS AND ASSIGNS OF CHARLES S.  
DESKY; HEIRS AND ASSIGNS OF  
MINNIE DESKY; HEIRS AND ASSIGNS  
OF FLORENCE DESKY; HEIRS AND  
ASSIGNS OF HENRY BERNARD  
CHRISTIAN; HEIRS AND ASSIGNS OF  
PAUL BERNARD CHRISTIAN; HEIRS  
AND ASSIGNS OF ADELE M.  
CHRISTIAN; and Heirs of persons named  
above who are deceased, or persons holding  
under said Heirs, and spouses, assigns,  
successors, personal representatives,  
executors, personal representative, executors,  
administrators, and trustees of persons named  
above who are deceased; STATE OF  
HAWAII; CITY AND COUNTY OF

CIVIL NO. 1CCV-20-0000123 (JPC)  
[Consolidated]

HONOLULU; DOES 1-100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

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STATE OF HAWAII,

Counterclaim Plaintiff,

vs.

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Counterclaim Defendant.

DECLARATION OF GORDON JEFF LACHANCE

I, GORDON JEFF LACHANCE, pursuant to Rule 7(g) of the Rules of Circuit Courts of the State of Hawaii, declare as follows:

1. That I have been a business owner in Kakaako for about 16 years. My business name is Mercedes Benz and Jaguar Motorcars located at 807 Kawaihahao Street, Honolulu, Hawaii 96813.

2. From and after the start date of my business I had been using without payment to anyone the areas proximate to my business operation as parking for my customers (“My Customer Parking Area”). From on or about March 2019 the Chun brothers abruptly asserted ownership of My Customer Parking Area, and informed me that I could no longer use My Customer Parking Area unless I paid them parking rental fees.

3. The following is a practice used by the Chun brothers to this date. When I refused to pay the parking rental fees demanded by the Chun brothers, they caused the vehicles owned by me and/or my customers to be towed from My Customer Parking Area by a towing company.

4. The Chun brothers without my knowledge or consent screwed or otherwise attached their parking signs on the side of my building proximate to My Customer Parking Area.

5. For the last 22 months, since March 2019, I have been forced by the Chun brothers to pay to park on the street across from my shop. The rental price for two stalls is \$220 a month. If the rental price is not paid then any vehicles parked in those stalls are subject to towing by Kakaako Land Company LLC (“KLC”) owned by Cedric Chun and his brother.

6. Before we began making payments to KLC, several of my customers’ cars were towed at my expense and inconvenience. Both me and my employee, Nicholas Heintz, tried to stop the towing of these vehicles by moving them, but the tow driver, on orders and payroll of KLC refused to leave the cars since we were not the registered owners. As such, we had to call the customers to come to the tow yard where the car was taken in order to have them released back to us. On another occasion, my employee, Staci Skramstad had to warn a AAA driver who was in our shop and had his work truck parked in the spot that he was about to be towed. Luckily at that time, we were able to stop the towing since the owner was here. Even after we started paying to KLC, we had one more incident where a tow driver refused to stop towing the vehicle even though we showed him the parking pass that we paid for, again we had to call the customer to get the vehicle released from the tow yard.

7. Mercedes Benz and Jaguar Motorcars has been open for business in this location for 10 years. I have been the owner for six years, and previous to March 2019 we never had to

pay to park our vehicles on the street, and we never had any vehicles towed away for failing to do so.

I, GORDON JEFF LACHANCE, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, 1-11-2021.

  
\_\_\_\_\_  
GORDON JEFF LACHANCE

**Justin A. Brackett**  
**515 Ward Avenue**  
**Honolulu, Hawaii 96814**

September 26, 2024

*Email: hcda.contact@hawaii.gov*

Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

**HAWAII COMMUNITY DEVELOPMENT AUTHORITY**  
**KAKA'AKO BOARD MEETING**

Meeting Date and Time: October 2, 2024, 9:00 a.m.

Agenda Item/Position: III. Decision Making; 3. Support the Action to Proceed with Administrative Action against Kakaako Land Company, LLC in the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District


Aloha Executive Director Craig Nakamoto and Members of the Board,

My name is Justin A. Brackett.

Attached is a copy of my declaration that was filed by the State of Hawaii in the litigation in the First Circuit Court case entitled *Butch Burke, et al. vs. Kakaako Land Company, LLC, et al.*, Civil No. 1CC141001912 (JPC). In this case, Kakaako Land Company, LLC claimed ownership of the Kakaako roads which were subject of the litigation. The First Circuit Court, Judge Jeffrey P. Crabtree, ruled that the subject Kakaako roads are owned by the State of Hawaii in the Amended Findings of Fact and Conclusions of Law, and Order [Dkt 846] filed on February 11, 2021.

Please consider my attached declaration as testimony in support of reinstating the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District.

Sincerely,



Justin A. Brackett

Encl.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BUTCH BURKE; QUEEN AUTO, LCC;  
TROPICAL LAMP & SHADE CO.,  
LTD.; TROPICAL OTTO PARTS; U.  
OKADA & COMPANY, LTD;  
THEODORE UYEDA,

Plaintiffs,

vs.

KAKAAKO LAND COMPANY, LLC;  
CEDRIC CHUN, CALVERT J.T. CHUN;  
CITY AND COUNTY OF HONOLULU;  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY; STATE OF HAWAI'I; DOE  
DEFENDANTS 1-50,

Defendants.

CIVIL NO. 1CC141001912(JPC)  
[Consolidated]

DECLARATION OF JUSTIN A. BRACKETT

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Plaintiff,

vs.

HEIRS AND ASSIGNS OF CHARLES S.  
DESKY; HEIRS AND ASSIGNS OF  
MINNIE DESKY; HEIRS AND ASSIGNS  
OF FLORENCE DESKY; HEIRS AND  
ASSIGNS OF HENRY BERNARD  
CHRISTIAN; HEIRS AND ASSIGNS OF  
PAUL BERNARD CHRISTIAN; HEIRS  
AND ASSIGNS OF ADELE M.  
CHRISTIAN; and Heirs of persons named  
above who are deceased, or persons holding  
under said Heirs, and spouses, assigns,  
successors, personal representatives,  
executors, personal representative, executors,  
administrators, and trustees of persons named  
above who are deceased; STATE OF  
HAWAII; CITY AND COUNTY OF

CIVIL NO. 1CCV-20-0000123 (JPC)  
[Consolidated]



HONOLULU; DOES 1-100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

Defendants.

STATE OF HAWAII,

Counterclaim Plaintiff,

vs.

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Counterclaim Defendant.

DECLARATION OF JUSTIN A. BRACKETT

I, JUSTIN A. BRACKETT, owner of Uloha, LLC, pursuant to Rule 7(g) of the Rules of Circuit Courts of the State of Hawaii, declare as follows:

1. I have been a business owner in Kakaako since about July 2017. My business address is 515 Ward Avenue, Honolulu, Hawaii 96814.

2. From and after the start date of my business I had been using without payment to anyone the areas proximate to my business operation as parking for my customers (“The Customer Parking Area”). From on or about June 2018 the Chun brothers abruptly asserted ownership of The Customer Parking Area, and informed me that I could no longer use The Customer Parking Area unless I paid them parking rental fees.

3. The following is a practice still being used by the Chun brothers to this date. When I refused to pay the parking rental fees demanded by the Chun brothers, they caused the

vehicles owned by me and/or my customers to be towed from The Customer Parking Area by a towing company.

4. Upon information and belief, the Chun brothers vandalized the exterior of my store.

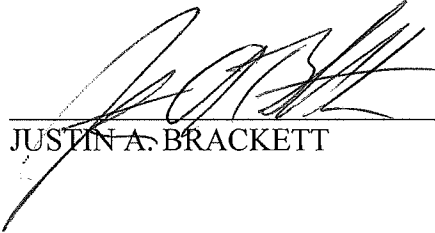
5. The Chun brothers have been renting parking stalls to third parties in My Customer Parking Area in a manner which impairs my business operation.

6. The Chun brothers have placed the parking stalls in a manner which appears to interfere with full and free use of the traveled lanes of the streets.

7. The Chun brothers without my knowledge or consent taped their tow stickers upon my parking signs on the side of my building proximate to My Customer Parking Area.

I, JUSTIN A. BRACKETT, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, January 18, 2021.

  
\_\_\_\_\_  
JUSTIN A. BRACKETT

**Mai Frascarelli**  
**520 Ward Avenue**  
**Honolulu, Hawaii 96814**

September 26, 2024

*Email: [hxda.contact@hawaii.gov](mailto:hxda.contact@hawaii.gov)*

Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

**HAWAI'I COMMUNITY DEVELOPMENT AUTHORITY**  
**KAKA'AKO BOARD MEETING**

Meeting Date and Time: October 2, 2024, 9:00 a.m.

Agenda Item/Position: III. Decision Making; 3. Support the Action to Proceed with Administrative Action against Kakaako Land Company, LLC in the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaihahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District

Aloha Executive Director Craig Nakamoto and Members of the Board,

My name is Mai Frascarelli.

Attached is a copy of my declaration that was filed by the State of Hawaii in the litigation in the First Circuit Court case entitled *Butch Burke, et al. vs. Kakaako Land Company, LLC, et al.*, Civil No. 1CC141001912 (JPC). In this case, Kakaako Land Company, LLC claimed ownership of the Kakaako roads which were subject of the litigation. The First Circuit Court, Judge Jeffrey P. Crabtree, ruled that the subject Kakaako roads are owned by the State of Hawaii in the Amended Findings of Fact and Conclusions of Law, and Order [Dkt 846] filed on February 11, 2021.

Please consider my attached declaration as testimony in support of reinstating the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaihahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District.

Sincerely,

  
Mai Frascarelli

Encl.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BUTCH BURKE; QUEEN AUTO, LCC;  
TROPICAL LAMP & SHADE CO.,  
LTD.; TROPICAL OTTO PARTS; U.  
OKADA & COMPANY, LTD;  
THEODORE UYEDA,

Plaintiffs,

vs.

KAKAAKO LAND COMPANY, LLC;  
CEDRIC CHUN, CALVERT J.T. CHUN;  
CITY AND COUNTY OF HONOLULU;  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY; STATE OF HAWAI'I; DOE  
DEFENDANTS 1-50,

Defendants.

CIVIL NO. 1CC141001912(JPC)  
[Consolidated]

DECLARATION OF MAI FRASCARELLI

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Plaintiff,

vs.

HEIRS AND ASSIGNS OF CHARLES S.  
DESKY; HEIRS AND ASSIGNS OF  
MINNIE DESKY; HEIRS AND ASSIGNS  
OF FLORENCE DESKY; HEIRS AND  
ASSIGNS OF HENRY BERNARD  
CHRISTIAN; HEIRS AND ASSIGNS OF  
PAUL BERNARD CHRISTIAN; HEIRS  
AND ASSIGNS OF ADELE M.  
CHRISTIAN; and Heirs of persons named  
above who are deceased, or persons holding  
under said Heirs, and spouses, assigns,  
successors, personal representatives,  
executors, personal representative, executors,  
administrators, and trustees of persons named  
above who are deceased; STATE OF  
HAWAII; CITY AND COUNTY OF

CIVIL NO. 1CCV-20-0000123 (JPC)  
[Consolidated]

HONOLULU; DOES 1-100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

Defendants.

STATE OF HAWAII,

Counterclaim Plaintiff,

vs.

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Counterclaim Defendant.

DECLARATION OF MAI FRASCARELLI

I, MAI FRASCARELLI, pursuant to Rule 7(g) of the Rules of Circuit Courts of the State of Hawaii, declare as follows:

1. That I have been a business owner in Kakaako since February 1982 and own French Wrench Shell Inc. at 520 Ward Avenue, Honolulu, Hawaii 96814, and Herbal Spa Sauna and Salon at 941 Kawaiahao Street, Honolulu, Hawaii 96814.

2. From and after the start date of my business I had been using without payment to anyone the areas proximate to my business operation as parking for my customers (“My Customer Parking Area”). From on or about September 2017 the Chun brothers abruptly asserted ownership of My Customer Parking Area, and informed me that I could no longer use My Customer Parking Area unless I paid them parking rental fees.

3. The following is a practice used by the Chun brothers to this date. When I refused to pay the parking rental fees demanded by the Chun brothers, they caused the vehicles owned by me and/or my customers to be towed from My Customer Parking Area by a towing company.

4. The Chun brothers have been renting parking stalls to third parties in My Customer Parking Area in a manner which obstructs access to my business operation.

5. The Chun brothers have placed the parking stalls in a manner which appears to interfere with full and free use of the traveled lanes of the streets.

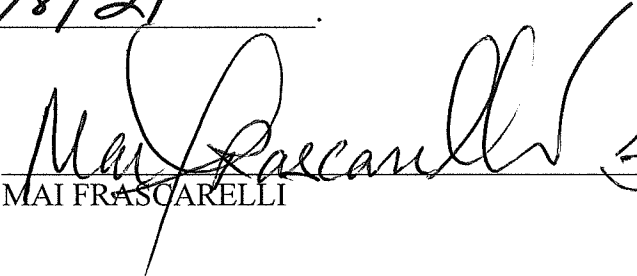
6. The Chun brothers without my knowledge or consent screwed or otherwise attached their parking signs on the side of my building proximate to My Customer Parking Area.

7. The Chun brothers claim that they own Kawaiahao Street and have conducted unlawful towing of my clients' cars and my personal vehicle parked on the street fronting my businesses. The Chun brothers do this without warning and at all times of the day. Cedric Chun has told me that he rents the public street parking for \$225 per stall, per month and that if it is not paid to him, any car parked in what he states is his parking stall is subject to be towed. This has been an ongoing practice for many years and still continues to happen. Most recently, I witnessed the towing of a Ford F150 license plate TCS 012 outside of my property, at the beginning of December 2020.

8. The Chun brothers are non-negotiable and abrasive to deal with. This wrongful towing needs to stop immediately. Multiple police reports have been filed and can be accessed if needed for further evidence of their unlawful business.

I, MAI FRASCARELLI, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, 1/8/21.

  
MAI FRASCARELLI Jan 8/2021

**Michael K.Y. Wong**  
**801 Kawaiahao Street**  
**Honolulu, Hawaii 96813**

September 26, 2024

**Email: [hcdcontact@hawaii.gov](mailto:hcdcontact@hawaii.gov)**

Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

**HAWAII COMMUNITY DEVELOPMENT AUTHORITY**  
**KAKA‘AKO BOARD MEETING**

Meeting Date and Time: October 2, 2024, 9:00 a.m.

Agenda Item/Position: III. Decision Making; 3. Support the Action to Proceed with Administrative Action against Kakaako Land Company, LLC in the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority’s Mauka Area of the Kaka‘ako Community Development District

Aloha Executive Director Craig Nakamoto and Members of the Board,

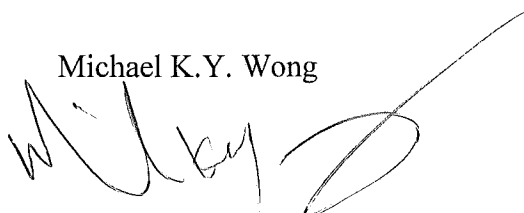
My name is Michael K.Y. Wong.

Attached is a copy of my declaration that was filed by the State of Hawaii in the litigation in the First Circuit Court case entitled *Butch Burke, et al. vs. Kakaako Land Company, LLC, et al.*, Civil No. 1CC141001912 (JPC). In this case, Kakaako Land Company, LLC claimed ownership of the Kakaako roads which were subject of the litigation. The First Circuit Court, Judge Jeffrey P. Crabtree, ruled that the subject Kakaako roads are owned by the State of Hawaii in the Amended Findings of Fact and Conclusions of Law, and Order [Dkt 846] filed on February 11, 2021.

Please consider my attached declaration as testimony in support of reinstating the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority’s Mauka Area of the Kaka‘ako Community Development District.

Sincerely,

Michael K.Y. Wong



Encl.



IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BUTCH BURKE; QUEEN AUTO, LCC;  
TROPICAL LAMP & SHADE CO.,  
LTD.; TROPICAL OTTO PARTS; U.  
OKADA & COMPANY, LTD;  
THEODORE UYEDA,

Plaintiffs,

vs.

KAKAAKO LAND COMPANY, LLC;  
CEDRIC CHUN, CALVERT J.T. CHUN;  
CITY AND COUNTY OF HONOLULU;  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY; STATE OF HAWAII; DOE  
DEFENDANTS 1-50,

Defendants.

CIVIL NO. 1CC141001912(JPC)  
[Consolidated]

DECLARATION OF MICHAEL K.Y. WONG

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Plaintiff,

vs.

HEIRS AND ASSIGNS OF CHARLES S.  
DESKY; HEIRS AND ASSIGNS OF  
MINNIE DESKY; HEIRS AND ASSIGNS  
OF FLORENCE DESKY; HEIRS AND  
ASSIGNS OF HENRY BERNARD  
CHRISTIAN; HEIRS AND ASSIGNS OF  
PAUL BERNARD CHRISTIAN; HEIRS  
AND ASSIGNS OF ADELE M.  
CHRISTIAN; and Heirs of persons named  
above who are deceased, or persons holding  
under said Heirs, and spouses, assigns,  
successors, personal representatives,  
executors, personal representative, executors,  
administrators, and trustees of persons named  
above who are deceased; STATE OF  
HAWAII; CITY AND COUNTY OF

CIVIL NO. 1CCV-20-0000123 (JPC)  
[Consolidated]

HONOLULU; DOES 1-100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

Defendants.

STATE OF HAWAII,

Counterclaim Plaintiff,

vs.

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Counterclaim Defendant.

DECLARATION OF MICHAEL K.Y. WONG

I, MICHAEL K.Y. WONG, pursuant to Rule 7(g) of the Rules of Circuit Courts of the State of Hawaii, declare as follows:

1. I have been a business owner of Michael Transportation Inc. in Kakaako since 2001. My business address is 801 Kawaiahao Street, Honolulu, Hawaii 96813.
2. From and after the start date of my business I had been using without payment to anyone the areas proximate to my business operation as parking for my customers (“My Customer Parking Area”). From on or about 2016 the Chun brothers abruptly asserted ownership of My Customer Parking Area, and informed me that I could no longer use My Customer Parking Area unless I paid them parking rental fees.
3. The following is a practice used by the Chun brothers to this date. When I refused to pay the parking rental fees demanded by the Chun brothers, they caused the vehicles owned by me and/or my customers to be towed from My Customer Parking Area by a towing company.

4. The Chun brothers have placed the parking stalls in a manner which appears to interfere with full and free use of the traveled lanes of the streets.

5. The Chun brothers without my knowledge or consent screwed or otherwise attached their parking signs on the side of my building proximate to My Customer Parking Area.

I, MICHAEL K.Y. WONG, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, June 11, 2021.

  
\_\_\_\_\_  
MICHAEL K.Y. WONG

**Mike Verner**  
**949 Kawaiahao Street**  
**Honolulu, Hawaii 96814**

September 26, 2024

**Email: [hcdcontact@hawaii.gov](mailto:hcdcontact@hawaii.gov)**

Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

**HAWAI'I COMMUNITY DEVELOPMENT AUTHORITY**  
**KAKA'AKO BOARD MEETING**

Meeting Date and Time: October 2, 2024, 9:00 a.m.

Agenda Item/Position: III. Decision Making; 3. Support the Action to Proceed with Administrative Action against Kakaako Land Company, LLC in the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District

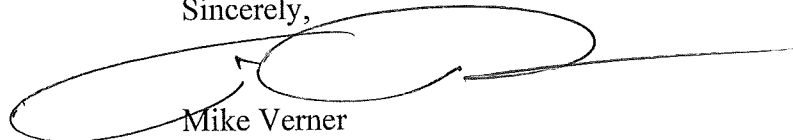
Aloha Executive Director Craig Nakamoto and Members of the Board,

My name is Mike Verner.

Attached is a copy of my declaration that was filed by the State of Hawaii in the litigation in the First Circuit Court case entitled *Butch Burke, et al. vs. Kakaako Land Company, LLC, et al.*, Civil No. 1CC141001912 (JPC). In this case, Kakaako Land Company, LLC claimed ownership of the Kakaako roads which were subject of the litigation. The First Circuit Court, Judge Jeffrey P. Crabtree, ruled that the subject Kakaako roads are owned by the State of Hawaii in the Amended Findings of Fact and Conclusions of Law, and Order [Dkt 846] filed on February 11, 2021.

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Sincerely,



Mike Verner

Encl.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BUTCH BURKE; QUEEN AUTO, LCC;  
TROPICAL LAMP & SHADE CO.,  
LTD.; TROPICAL OTTO PARTS; U.  
OKADA & COMPANY, LTD;  
THEODORE UYEDA,

Plaintiffs,

vs.

KAKAAKO LAND COMPANY, LLC;  
CEDRIC CHUN, CALVERT J.T. CHUN;  
CITY AND COUNTY OF HONOLULU;  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY; STATE OF HAWAI'I; DOE  
DEFENDANTS 1-50,

Defendants.

CIVIL NO. 1CC141001912(JPC)  
[Consolidated]

DECLARATION OF MIKE VERNER

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Plaintiff,

vs.

HEIRS AND ASSIGNS OF CHARLES S.  
DESKY; HEIRS AND ASSIGNS OF  
MINNIE DESKY; HEIRS AND ASSIGNS  
OF FLORENCE DESKY; HEIRS AND  
ASSIGNS OF HENRY BERNARD  
CHRISTIAN; HEIRS AND ASSIGNS OF  
PAUL BERNARD CHRISTIAN; HEIRS  
AND ASSIGNS OF ADELE M.  
CHRISTIAN; and Heirs of persons named  
above who are deceased, or persons holding  
under said Heirs, and spouses, assigns,  
successors, personal representatives,  
executors, personal representative, executors,  
administrators, and trustees of persons named  
above who are deceased; STATE OF  
HAWAII; CITY AND COUNTY OF

CIVIL NO. 1CCV-20-0000123 (JPC)  
[Consolidated]

HONOLULU; DOES 1-100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

Defendants.

STATE OF HAWAII,

Counterclaim Plaintiff,

vs.

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Counterclaim Defendant.

DECLARATION OF MIKE VERNER

I, MIKE VERNER, pursuant to Rule 7(g) of the Rules of Circuit Courts of the State of Hawaii, declare as follows:

1. That I have been a business owner in Kakaako since about January 2008. My business address is 949 Kawaiahao Street, Honolulu, Hawaii 96814.
2. From and after the start date of my business I had been using without payment to anyone the areas proximate to my business operation as parking for my customers (“My Customer Parking Area”). From on or about February 2018 the Chun brothers abruptly asserted ownership of My Customer Parking Area, and informed me that I could no longer use My Customer Parking Area unless I paid them parking rental fees.
3. The following is a practice used by the Chun brothers to this date. When I refused to pay the parking rental fees demanded by the Chun brothers, they caused the vehicles owned by me and/or my customers to be towed from My Customer Parking Area by a towing company.

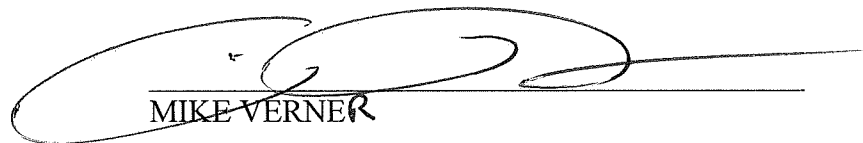
4. The Chun brothers have been renting parking stalls to third parties in My Customer Parking Area in a manner which obstructs access to my business operation.

5. The Chun brothers have placed the parking stalls in a manner which appears to interfere with full and free use of the traveled lanes of the streets.

6. The Chun brothers without my knowledge or consent screwed or otherwise attached their parking signs on the side of my building proximate to My Customer Parking Area.

I, MIKE VERNE, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, 1/11/21.

  
MIKE VERNER

**Neal T. Tamura**  
**959 Queen Street**  
**Honolulu, Hawaii 96814**

September 26, 2024

*Email: [hcdcontact@hawaii.gov](mailto:hcdcontact@hawaii.gov)*

Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

**HAWAII COMMUNITY DEVELOPMENT AUTHORITY**  
**KAKA'AKO BOARD MEETING**

Meeting Date and Time: October 2, 2024, 9:00 a.m.

Agenda Item/Position: III. Decision Making; 3. Support the Action to Proceed with Administrative Action against Kakaako Land Company, LLC in the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaihahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District*

Aloha Executive Director Craig Nakamoto and Members of the Board,

My name is Neal T. Tamura.

Attached is a copy of my declaration that was filed by the State of Hawaii in the litigation in the First Circuit Court case entitled *Butch Burke, et al. vs. Kakaako Land Company, LLC, et al.*, Civil No. 1CC141001912 (JPC). In this case, Kakaako Land Company, LLC claimed ownership of the Kakaako roads which were subject of the litigation. The First Circuit Court, Judge Jeffrey P. Crabtree, ruled that the subject Kakaako roads are owned by the State of Hawaii in the Amended Findings of Fact and Conclusions of Law, and Order [Dkt 846] filed on February 11, 2021.

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Sincerely,

  
Neal T. Tamura

Encl.



IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BUTCH BURKE; QUEEN AUTO, LCC;  
TROPICAL LAMP & SHADE CO.,  
LTD.; TROPICAL OTTO PARTS; U.  
OKADA & COMPANY, LTD;  
THEODORE UYEDA,

Plaintiffs,

vs.

KAKAAKO LAND COMPANY, LLC;  
CEDRIC CHUN, CALVERT J.T. CHUN;  
CITY AND COUNTY OF HONOLULU;  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY; STATE OF HAWAI'I; DOE  
DEFENDANTS 1-50,

Defendants.

CIVIL NO. 1CC141001912(JPC)  
[Consolidated]

DECLARATION OF NEAL T. TAMURA

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Plaintiff,

vs.

HEIRS AND ASSIGNS OF CHARLES S.  
DESKY; HEIRS AND ASSIGNS OF  
MINNIE DESKY; HEIRS AND ASSIGNS  
OF FLORENCE DESKY; HEIRS AND  
ASSIGNS OF HENRY BERNARD  
CHRISTIAN; HEIRS AND ASSIGNS OF  
PAUL BERNARD CHRISTIAN; HEIRS  
AND ASSIGNS OF ADELE M.  
CHRISTIAN; and Heirs of persons named  
above who are deceased, or persons holding  
under said Heirs, and spouses, assigns,  
successors, personal representatives,  
executors, personal representative, executors,  
administrators, and trustees of persons named  
above who are deceased; STATE OF  
HAWAII; CITY AND COUNTY OF

CIVIL NO. 1CCV-20-0000123 (JPC)  
[Consolidated]

HONOLULU; DOES 1-100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

Defendants.

STATE OF HAWAII,

Counterclaim Plaintiff,

vs.

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Counterclaim Defendant.

DECLARATION OF NEAL T. TAMURA

I, NEAL T. TAMURA, pursuant to Rule 7(g) of the Rules of Circuit Courts of the State of Hawaii, declare as follows:

1. That I have been a business owner in Kakaako since about January 1, 1995. My business address is 959 Queen Street, Honolulu, Hawaii 96814.
2. From and after the start date of my business I had been using without payment to anyone the areas proximate to my business operation as parking for my customers ("My Customer Parking Area"). From on or about January 1, 1995 the Chun brothers abruptly asserted ownership of My Customer Parking Area, and informed me that I could no longer use My Customer Parking Area unless I paid them parking rental fees so from the start I have been paying them to park on the public street.

3. The Chun brothers have been wanting to rent parking stalls to third parties in My Customer Parking Area in a manner which would obstruct access to my business operation. When we refuse, we know what is going to happen.

I, NEAL T. TAMURA, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, 1/13/21.

  
NEAL T. TAMURA

Soohwan N. Kim  
836 Kawaiahao Street  
Honolulu, Hawaii 96813

September 26, 2024

Email: [heda.contact@hawaii.gov](mailto:heda.contact@hawaii.gov)

Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

**HAWAII COMMUNITY DEVELOPMENT AUTHORITY  
KAKA'AKO BOARD MEETING**

Meeting Date and Time: October 2, 2024, 9:00 a.m.

Agenda Item/Position: III. Decision Making; 3. Support the Action to Proceed with Administrative Action against Kakaako Land Company, LLC in the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District

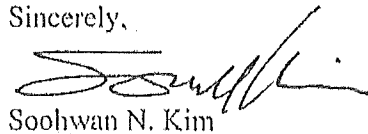
Aloha Executive Director Craig Nakamoto and Members of the Board,

My name is Soohwan N. Kim.

Attached is a copy of my declaration that was filed by the State of Hawaii in the litigation in the First Circuit Court case entitled *Butch Burke, et al. vs. Kakaako Land Company, LLC, et al.*, Civil No. 1CC141001912 (JPC). In this case, Kakaako Land Company, LLC claimed ownership of the Kakaako roads which were subject of the litigation. The First Circuit Court, Judge Jeffrey P. Crabtree, ruled that the subject Kakaako roads are owned by the State of Hawaii in the Amended Findings of Fact and Conclusions of Law, and Order [Dkt 846] filed on February 11, 2021.

Please consider my attached declaration as testimony in support of reinstating the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District.

Sincerely,



Soohwan N. Kim

Encl.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BUTCH BURKE; QUEEN AUTO, LCC;  
TROPICAL LAMP & SHADE CO.,  
LTD.; TROPICAL OTTO PARTS; U.  
OKADA & COMPANY, LTD;  
THEODORE UYEDA,

Plaintiffs,

vs.

KAKAAKO LAND COMPANY, LLC;  
CEDRIC CHUN, CALVERT J.T. CHUN;  
CITY AND COUNTY OF HONOLULU;  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY; STATE OF HAWAI'I; DOE  
DEFENDANTS 1-50,

Defendants.

CIVIL NO. 1CC141001912(JPC)  
[Consolidated]

DECLARATION OF SOOHWAN N. KIM

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Plaintiff,

vs.

HEIRS AND ASSIGNS OF CHARLES S.  
DESKY; HEIRS AND ASSIGNS OF  
MINNIE DESKY; HEIRS AND ASSIGNS  
OF FLORENCE DESKY; HEIRS AND  
ASSIGNS OF HENRY BERNARD  
CHRISTIAN; HEIRS AND ASSIGNS OF  
PAUL BERNARD CHRISTIAN; HEIRS  
AND ASSIGNS OF ADELE M.  
CHRISTIAN; and Heirs of persons named  
above who are deceased, or persons holding  
under said Heirs, and spouses, assigns,  
successors, personal representatives,  
executors, personal representative, executors,  
administrators, and trustees of persons named  
above who are deceased; STATE OF  
HAWAII; CITY AND COUNTY OF

CIVIL NO. 1CCV-20-0000123 (JPC)  
[Consolidated]

HONOLULU; DOES 1-100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

Defendants.

STATE OF HAWAII,

Counterclaim Plaintiff,

vs.

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Counterclaim Defendant.

DECLARATION OF SOOHWAN N. KIM

I, SOOHWAN N. KIM, pursuant to Rule 7(g) of the Rules of Circuit Courts of the State of Hawaii, declare as follows:

1. That I have been a business owner in Kakaako for about 12 years working for the Car Store Inc. My business address is 836 Kawaiahao Street, Honolulu, Hawaii 96813.
2. I have been working and renting the parking spaces since December 5, 2012.
3. From and after the start date of my employment I had been using without payment to anyone the areas proximate to my work for parking (“Our Customer Parking Area”). From on or about December 5, 2012 the Chun brothers abruptly asserted ownership of our Customer Parking Area, and informed me that I could no longer park there unless I paid them parking rental fees.

4. The following is a practice used by the Chun brothers to this date. When I refused to pay the parking rental fees demanded by the Chun brothers, they caused the vehicles parking there to be towed.

5. The Chun brothers have been renting parking stalls to third parties in our Customer Parking Area in a manner which obstructs access to my workplace.

6. The Chun brothers have placed parking stalls in a manner which appears to interfere with full and free use of the traveled lanes of the streets.

7. The Chun brothers without my employer's knowledge or consent screwed or otherwise attached their parking signs on the side of my workplace building proximate to our Customer Parking Area.

I, SOOHWAN N. KIM, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, January 12<sup>th</sup> 2021



\_\_\_\_\_  
SOOHWAN N. KIM

Stewart M. Chong  
815 Kawaiahao Street  
Honolulu, Hawaii 96813

September 26, 2024

Email: [hcd.a.contact@hawaii.gov](mailto:hcd.a.contact@hawaii.gov)

Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

**HAWAI'I COMMUNITY DEVELOPMENT AUTHORITY  
KAKA'AKO BOARD MEETING**

Meeting Date and Time: October 2, 2024, 9:00 a.m.

Agenda Item/Position: III. Decision Making; 3. Support the Action to Proceed with Administrative Action against Kakaako Land Company, LLC in the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District

Aloha Executive Director Craig Nakamoto and Members of the Board,

My name is Stewart Chong.

Attached is a copy of my declaration that was filed by the State of Hawaii in the litigation in the First Circuit Court case entitled *Butch Burke, et al. vs. Kakaako Land Company, LLC, et al.*, Civil No. 1CC141001912 (JPC). In this case, Kakaako Land Company, LLC claimed ownership of the Kakaako roads which were subject of the litigation. The First Circuit Court, Judge Jeffrey P. Crabtree, ruled that the subject Kakaako roads are owned by the State of Hawaii in the Amended Findings of Fact and Conclusions of Law, and Order [Dkt 846] filed on February 11, 2021.

Please consider my attached declaration as testimony in support of reinstating the Contested Case Proceedings for: *In the Matter of the Notice of Order Regarding Violation Number N00 01-2019 of Kakaako Land Company, LLC*, HCDA-2019-01, Regarding All or Portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets Located Within the Hawaii Community Development Authority's Mauka Area of the Kaka'ako Community Development District.

Sincerely,

Stewart Chong



Encl.



IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BUTCH BURKE; QUEEN AUTO, LCC;  
TROPICAL LAMP & SHADE CO.,  
LTD.; TROPICAL OTTO PARTS; U.  
OKADA & COMPANY, LTD;  
THEODORE UYEDA,

Plaintiffs,

vs.

KAKAAKO LAND COMPANY, LLC;  
CEDRIC CHUN, CALVERT J.T. CHUN;  
CITY AND COUNTY OF HONOLULU;  
HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY; STATE OF HAWAII; DOE  
DEFENDANTS 1-50,

Defendants.

CIVIL NO. 1CC141001912(JPC)  
[Consolidated]

DECLARATION OF STEWART M. CHONG

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Plaintiff,

vs.

HEIRS AND ASSIGNS OF CHARLES S.  
DESKY; HEIRS AND ASSIGNS OF  
MINNIE DESKY; HEIRS AND ASSIGNS  
OF FLORENCE DESKY; HEIRS AND  
ASSIGNS OF HENRY BERNARD  
CHRISTIAN; HEIRS AND ASSIGNS OF  
PAUL BERNARD CHRISTIAN; HEIRS  
AND ASSIGNS OF ADELE M.  
CHRISTIAN; and Heirs of persons named  
above who are deceased, or persons holding  
under said Heirs, and spouses, assigns,  
successors, personal representatives,  
executors, personal representative, executors,  
administrators, and trustees of persons named  
above who are deceased; STATE OF  
HAWAII; CITY AND COUNTY OF

CIVIL NO. 1CCV-20-0000123 (JPC)  
[Consolidated]

HONOLULU; DOES 1-100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

Defendants.

STATE OF HAWAII,

Counterclaim Plaintiff,

vs.

KAKAAKO LAND COMPANY, LLC, a  
Hawaii Limited Liability Company,

Counterclaim Defendant.

DECLARATION OF STEWART M. CHONG

I, STEWART M. CHONG, pursuant to Rule 7(g) of the Rules of Circuit Courts of the State of Hawaii, declare as follows:

1. I have been a business owner in Kakaako since about July 1997. My business, Stewart's Auto Service, is located at 815 Kawaiahao Street, Honolulu, Hawaii 96813.
2. From and after the start date of my business I had been using without payment to anyone the areas proximate to my business operation as parking for my customers ("My Customer Parking Area"). From on or about November 2016 the Chun brothers abruptly asserted ownership of My Customer Parking Area, and informed me that I could no longer use My Customer Parking Area unless I paid them parking rental fees.
3. The following is a practice used by the Chun brothers to this date. When I refused to pay the parking rental fees demanded by the Chun brothers, they caused the vehicles owned by me and/or my customers to be towed from My Customer Parking Area by a towing company.

4. The Chun brothers have been renting parking stalls to third parties in My Customer Parking Area in a manner which obstructs access to my business operation.

5. The Chun brothers have placed the parking stalls in a manner which appears to interfere with full and free use of the traveled lanes of the streets.

6. The Chun brothers without my knowledge or consent screwed or otherwise attached their parking signs on the side of my building proximate to My Customer Parking Area.

7. The road was maintained by the City and County of Honolulu. I have never had to pay to park for my car in front of my business. Now I do.

8. Since I have been paying for the last five or six years, the road has been in disrepair, sometimes undriveable, damaging rims (stock wheels) on my personal vehicle.

9. The Chun brothers filled some holes with a material that is now falling apart. Cars come by and the chunks of concrete go flying, hitting another car, my window and me.

10. When I asked Cedric Chun about it a few weeks ago, right before they started having another company handle the parking, he told me that they weren't going to repair the road until the two building projects on Kawaiahao Street were completed. I don't know what the method was to "repair" the road.

11. The situation needs to be addressed promptly. To me, it's an unsafe street.

I, STEWART M. CHONG, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, JAN. 16, 2021.

  
\_\_\_\_\_  
STEWART M. CHONG

**From:** [EdmayApana](#)  
**To:** [DBEDT HCDA Contact](#)  
**Subject:** Public Testimony Website Submission {Project Name:15}  
**Date:** Monday, September 30, 2024 9:52:49 PM

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**Name**

Edmay Apana

**Address**

425 South St  
Apt 3704  
Honolulu, HI 96813  
[Map It](#)

**Email**

[rbapana@gmail.com](mailto:rbapana@gmail.com)

**Project Name**

HCDA agenda item 2 and 3

**Do you support or oppose?**

Support

**Comment**

I appreciate and applaud HCDA adopting the amendment to the 2005 Kaka'ako Makai Area Plan & Rules which restricts residential building on the makai side of Ala Moana Blvd. We as a community need to preserve the last open space near the ocean. And we need to keep in mind that eventual sea level rise will impact that area.  
I also support item 3 which is to pursue the KLC to pay the \$250,000 they owe the city for violations.

**From:** [LOUISESTEVENS](#)  
**To:** [DBEDT HCDA Contact](#)  
**Subject:** Public Testimony Website Submission {Project Name:15}  
**Date:** Tuesday, October 1, 2024 2:12:51 PM

---

**Name**

LOUISE STEVENS

**Organization**

Kaka'ako United

**Address**

876 CURTIS ST  
APT 3504  
HONOLULU, HI 96813  
United States  
[Map It](#)

**Phone**

(808) 478-5540

**Email**

[louise.leilehua@gmail.com](mailto:louise.leilehua@gmail.com)

**Project Name**

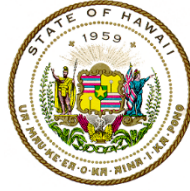
Reinstatement of Case Against Kakaako Land Company

**Do you support or oppose?**

Support

**Comment**

I support reinstatement of the contested case against Kakaako Land Co. violations relating to certain Kakaako roads.



HAWAI'I STATE LEGISLATURE  
Ka 'Aha'ōlelo Moku'āina 'Ō Hawai'i

STATE CAPITOL  
415 SOUTH BERETANIA STREET  
HONOLULU, HAWAI'I 96813

September 30, 2024

Hawai'i Community Development Authority  
Kaka'ako Board  
American Brewery Building  
547 Queen Street, 2nd Floor Board Room  
Honolulu, Hawai'i 96813

**Subject: Agenda Items 2 (Makai Plan) & 3 (Contested Case Proceedings)**

**Hearing:** Wednesday, October 2, 2024, 9:00 a.m.

Dear Chair and Members:

As the elected State Senator and State Representatives of Kaka'ako and surrounding areas, we express strong support for agenda items 2 & 3.

**Item 2 (Makai Plan):**

Our communities want to preserve and enhance our last urban coastline in Honolulu-- Kaka'ako Makai. We appreciate the Hawai'i Community Development Authority's adopting the long-overdue amendments to the 2005 Kaka'ako Makai Area Plan and Rules to restrict residential development on the properties that span makai of Ala Moana Boulevard.

The Kaka'ako Makai Plan and Rules should incorporate the Makai Conceptual Plan developed by over 200 community and government agencies and individuals and adopted by the Authority in 2011. The proposed projects would prevent further degradation and disturbance of the underground encapsulated toxic materials affecting the health of those living in and using the Kaka'ako area; require developments to consider climate change and sea level rise impacts in the design and siting of buildings; and conform to the development rules of the Mauka area to facilitate sound development for the entire Kaka'ako Community Development District.

Additionally, it should not be overlooked that the Kaka'ako Makai Community Planning Advisory Council (CPAC) and the Hawai'i Community Development Authority adopted the goals of the conceptual master plan along with creating long-term sustainable projects. These goals and the efforts by hundreds continue to this day. We commend Executive Director Craig Nakamoto for his diligence in reviewing the

Makai Area Plan and Rules and commitment to conducting stakeholder outreach and present proposed updates that will ensure the sustainable development envisioned by our communities.

**Item 2 (Contested Case Proceedings):**

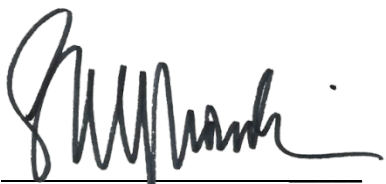
In 2018, the Legislature adopted HB2275 (Act 9) which required certain private streets, highways, or thoroughfares in a development district of the HCDA to conform to county construction and maintenance standards. Owners who charged a fee to use private roads were required to pay for maintaining the private roads and conforming them to the county standards.

The Kaka'ako Land Company, LLC (KLC) claimed it owned certain private roads (Cummins, Kawaiahao, Clayton, Queen and Ilaniwai) in the Kaka'ako Development District and charged parking fees to use these roads. KLC profited off of these fees and used predatory towing and other tactics to enforce non-payment. While they collected these fees, they did not conform the roads to county construction and maintenance standards pursuant to Act 9 in violation of §206E-36, Hawai'i Revised Statutes, which remained effective until June 30, 2023.

On April 18, 2019, pursuant to Act 9 (2018), HCDA ordered KLC to pay a penalty based on its lack of upkeep of these roads to the standard required. At that time, the violations had mounted to \$250,000, which represented \$500-per-day penalties for each of the five streets over a 100-day period. KLC refused to pay the fee. HCDA then initiated a contested case with the DCCA, which was deferred due to the pending legal proceedings against the KLC's alleged ownership of the private roads.

The State and the City have since taken responsibility to bring the subject roads up to the city standards. This will be costly to taxpayers because of KLC's lack of maintenance over the long period that they claimed ownership of the roads. It is only just that KLC pay the penalties, a fraction of the cost it will take to bring the roads up to standard and address concerns of the landowners subjected to paying KLC for use of the roads. We thus strongly support authorizing the Executive Director to reinstate the contested case proceedings against KLC.

Aloha and mahalo for the opportunity to testify,



SHARON Y. MORIWAKI  
Senator, Senate District 12



SCOTT K. SAIKI  
Representative, House District 25



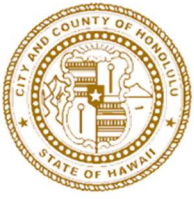
ADRIAN K. TAM  
Representative, House District 24

**From:** [DANIEL STEVENS](#)  
**To:** [DBEDT HCDA Contact](#)  
**Subject:** Public Testimony Website Submission {Project Name:15}  
**Date:** Tuesday, October 1, 2024 2:51:28 PM

---

<b>Name</b>
DANIEL STEVENS
<b>Organization</b>
Kaka'ako United
<b>Address</b>
876 CURTIS ST APT 3504 HONOLULU, HI 96813 United States <a href="#">Map It</a>
<b>Phone</b>
(808) 216-9080
<b>Email</b>
<a href="mailto:daniel05@hawaii.rr.com">daniel05@hawaii.rr.com</a>
<b>Project Name</b>
Reinstatement of Contested Case Against Kakaako Land Co.
<b>Do you support or oppose?</b>
Support
<b>Comment</b>
The Kakaako Land Co. should be held accountable for their violations relating to certain Kakaako roads.





# HONOLULU CITY COUNCIL

*KE KANIHELA O KE KALANA O HONOLULU*

530 S. KING ST. STE. 202, HONOLULU, HI 96813

**TYLER DOS SANTOS-TAM**  
HONOLULU CITY COUNCIL  
DISTRICT 6  
TELEPHONE: (808) 768-5006  
FAX: (808) 768-1176  
EMAIL: [tdossantos-tam@honolulu.gov](mailto:tdossantos-tam@honolulu.gov)

October 2, 2024

Sterling Higa, Chairperson  
and members  
Hawai'i Community Development Authority  
American Brewery Building  
547 Queen Street, 2nd Floor Board Room  
Honolulu, Hawai'i 96813

RE: Agenda Item III(3): Authorization to Reinitiate the Contested Case Proceedings  
in re: Kaka'ako Land Company, LLC

Dear Chair Higa and Members,

I write in strong support of the proposal to authorize reinitiation of the Hawai'i Community Development Authority's contested case proceedings with the Kaka'ako Land Company.

Six years ago, the company asserted that it owned parts, or all, of five streets in the Kaka'ako Community Development District – Kawaiaha'o, Cummins, Clayton, Queen, and Ilaniwai. The company proceeded to charge the public to park there. As the streets' owner, the company was obligated to maintain them to the standards mandated by Hawai'i law. But the company failed in their responsibility, and the roads fell into disrepair.

Later that year, 2018, the Hawai'i Community Development Authority informed the company's owners that the streets were not up to the State's standards. Charging people to park there, therefore, violated state law.

The company left the violation uncorrected for months on end. HCDA ordered the Kaka'ako Land Company to pay \$250,000 – \$500 for each of the five streets, for 100 days of violations. HCDA ordered the company to correct the violation or face further fines. The company failed again; its fees have since grown to \$2.8 million.

The Kaka'ako Land Company petitioned for a contested case hearing to dismiss the notice of violation. Meanwhile, in a separate case, in 2021, the First Circuit Court found that the Kaka'ako Land Company does not, in fact, own the streets as it had claimed. The company appealed that ruling, leading the attorneys for both HCDA and the company to postpone the contested case hearing.

But, with the appeal pending, more than three years have passed, and **the time has come to move forward**. If Kaka'ako Land Company owned the streets as it claimed, then it must pay its fines and rehabilitate the roads. With a resolution to the contested case, and an order that the Kaka'ako Land Company pay its fines, the roads in question could be improved. If the company indeed does not own the streets, then it had no business charging the public for parking spots it did not own – a separate issue that warrants further examination. Either way, this contested case hearing must proceed, so that Kaka'ako's streets can be restored for the public.

Thank you for the opportunity to testify.

Mahalo nui,

A handwritten signature in black ink that reads "Tyler Dos Santos-Tam". The signature is written in a cursive, flowing style.

Tyler Dos Santos-Tam  
City Councilmember, District 6

**HAWAI'I COMMUNITY DEVELOPMENT AUTHORITY**

**KAKA'AKO BOARD MEETING**

Wednesday, October 2, 2024

9:00 a.m.

**Testimony in Strong Support**

Aloha HCDA Kaka'ako Board Chair: Sterling Higa, Vice Chair: Chason Ishii, Secretary: Peter Apo, and members, Michael China, Kevin Sakoda, Luis Salaveria, Edwin Sniffen, James K. Tokioka, Dawn Takeuchi Apuna,

My name is Wayne Takamine and I have participated in the creation of the Kaka'ako Makai Master Plan as a founding member and the chairman of the Kaka'ako Makai Community Planning Advisory Council.

I strongly support the action item to:

Authorize the Executive Director to Engage in Community Planning Sessions Regarding the Kaka'ako Makai Area to:

- (i) Review the Current Makai Area Plan and Rules, including but not limited to, the 2011 Kaka'ako Makai Conceptual Master Plan, and other Historical Planning Studies for the Makai Area,
- (ii) Conduct Stakeholder Outreach and Community Planning to Consider Various Land Use Scenarios and Associated Infrastructure Needs for the Makai Area,
- (iii) Develop Proposed Updates to the Makai Area Plan and Rules, as necessary, and
- (iv) Present the Proposed Updates to the Makai Area Plan and Rules, as necessary, to the Authority for its review, consideration, and possible adoption.

The community's input is needed to provide a viable path forward in the implementation of the Kaka'ako Makai Master Plan and Kaka'ako Makai Area Rules. The Kaka'ako Makai shoreline has been long recognized as a valuable public resource and a much needed public recreational area. With the development of numerous condominiums in the Kaka'ako Mauka and Ala Moana districts, we are now faced with even more condominiums and the expanding population Mauka of Ala Moana Blvd. developers including but not limited to Kamehameha Schools and Howard Hughes.

In 2006, the Honolulu community and legislature recognized these massive plans to build numerous condominiums planned for the Kaka'ako and Ala Moana districts. As a result, in 2006 the legislature developed laws to protect the Kaka'ako Makai shoreline by prohibiting residential development and the sale of state land in Kaka'ako Makai. In 2011, the HCDA and the Kaka'ako Makai Community Planning Advisory Council (CPAC) developed the community based Kaka'ako Makai Master Plan approved in 2011.

The Kaka'ako Makai shoreline is well used and essential component of the "Lei of Green Parks" concept that supports our growing Honolulu population. Today, the community is alarmed with the hyper development with numerous condominiums and large building built in an area that was just quiet neighborhoods.

As the chair of the Kaka'ako Makai Community Planning Advisory Council (CPAC), I strongly support further public discussion for the implementation of concepts in the Kaka'ako Makai Master Plan and Kaka'ako Makai Area Rules to preserve improve our "Quality of Life" for future generations.

Mahalo,

Wayne Takamine

Chairman

Kaka'ako Makai Community Planning Advisory Council (CPAC)

Kaka'ako Makai Master Plan 2011: Fisherman's Wharf/Cannery Lot rendering.



View from Cannery Lot

Kaka'ako Makai Master Plan 2011: Point Panic rendering.



View from Point Panic

Kaka'ako Makai Master Plan 2011: Fisherman's Wharf/Kewalo Basin rendering.



