

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

August 24, 2012

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Maui

Forfeiture of Revocable Permit No. S-4701, Randolph Castro,  
Permittee, Kaupo, Maui, Tax Map Key: (2) 1-7-002:Por. of 015.

PURPOSE:

Forfeiture of Revocable Permit No. S-4701, Randolph Castro,  
Permittee.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kaupo situated at Hana, Maui,  
identified by Tax Map Key: (2) 1-7-002: portion of 015, consisting  
of approximately 1,584 square feet.

AREA:

1,584 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO x

CHARACTER OF USE:

Residence purposes.

COMMENCEMENT DATE OF PERMIT:

Commenced on August 1, 1971.

MONTHLY RENTAL:

\$13.00

REMARKS:

Pursuant to the provisions contained in Revocable Permit S-4701, Randolph Castro, Permittee, was mailed a default notification letter dated November 8, 2011 for:

- Failure to keep lease rental payments current
- Failure to post required security deposit
- Failure to post required fire insurance policy
- Failure to post required liability insurance policy
- Other: \_\_\_\_\_

This notice offered the Permittee a thirty-day cure period to correct the default. This cure period expired on December 15, 2011. As of August 6, 2012, this breach has not been cured.

As of August 6, 2012, the current status of all permit compliance items is as follows:

RENT: The Permittee is current with all rent obligations.

INSURANCE: The Permittee **has not** posted the required **liability** and **Fire** insurance policies.

SECURITY DEPOSIT:  
The Permittee **has** posted the required security deposit.

OTHER: None

The Permittee was also mailed default notification letters dated January 31, 2011, and March 31, 2011 for:

Failure to post required liability insurance policy.

On November 19, 2004, under agenda item D-9, staff did take this matter before the Board. At that time the Board approved the cancellation of Revocable Permit No. S-4701.

The cancellation was later withdrawn via letter dated November 22, 2004, by then Assistant Administrator Charlene Unoki which stated that evidence of liability insurance was provided by Mr. Castro's insurance provider.

Failure to maintain and provide the required insurance coverage has been an ongoing problem for this tenant. Staff has had to continuously send default notices, which has incurred additional time and expenses. Furthermore, site inspections show that significant portions of the subject property are not being properly maintained. Structures appear to be in disrepair, derelict vehicles are being stored on site, and vegetation is overgrown and a fire hazard. Finally the Maui District Land Office is in communication with the Kaupo Community Association that has expressed interest in overseeing stewardship of the subject property to serve as a community educational center and civil defense site in the event of emergencies.

No agency or community comments were solicited.

EXHIBITS:

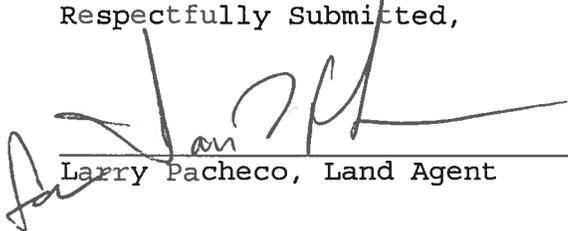
1. Exhibit #1 - Notice of Default letter dated November 8, 2011, to Mr. Randolph Castro.
2. Exhibit #2 - Letter informing Mr. Castro of the States withdrawal of Forfeiture of Revocable Permit No. S-4701, dated November 22, 2004.
3. Exhibit #3 - Board Submittal dated November 19, 2004, agenda item No. D-9, which approved the forfeiture of Revocable Permit No. S-4701.

RECOMMENDATION: That the Board:

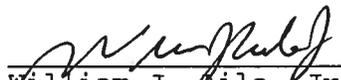
1. Authorize the cancellation of Revocable Permit No. S-4701 in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit No. S-4701 to be applied to any past due amounts;
3. Terminate the permit and all rights of Permittee and all obligations of the Permitter effective as of August 24, 2012, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the lease to survive termination shall endure past such termination date until duly fulfilled, and further provided that Permitter reserves all other rights and claims allowed by law; and
4. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under Revocable

Permit No. S-4701 and to pursue all other rights and remedies  
as appropriate.

Respectfully Submitted,

  
\_\_\_\_\_  
Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
William J. Aila, Jr., Chairperson





STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

RECEIVED  
MAUI DISTRICT  
LAND DIVISION  
2011 NOV 14 PM 2:09

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

November 8, 2011

REF: MD-RP4701

CASTRO, RANDOLPH

HANA, HI 96713

Dear Permittee:

SUBJECT: Revocable Permit No. S-4701

A review of your file indicates you have not submitted a current liability insurance certificate. The insurance certificate on file expired 9/22/2011. Please submit a current liability insurance certificate naming the State as additional insured.

This letter gives you thirty (30) days from the day of receipt of this letter to resolve the problem.

If you no longer wish to continue holding this revocable permit, you need to write to us requesting the revocable permit be cancelled effective in 25 days.

Should you have any questions, please contact Debra Yoshimi at (808) 984-8103.

Very Truly Yours,

Russell Y. Tsuji  
Administrator

cc: District Files *oo*  
Central Office

EXHIBIT "1"

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

54 High Street, Room 101  
Wailuku, Hawaii 96793  
PHONE: (808) 984-8103  
FAX: (808) 984-8111

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON  
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

November 22, 2004

Ref. No.: RP S-4701  
Author: LD-CU/dky

Randolph Castro

Hana, Hawaii 96713

Dear Mr. Castro:

Subject: Withdrawal of Forfeiture of Revocable Permit #S-4701; Randolph Castro, Permittee; Kaupo, Maui, TMK: (2) 1-7-002:Por. 015

At its meeting of November 19, 2004, under agenda item D-9 (copy enclosed), the Board of Land and Natural Resources withdrew the above referenced request due to receipt of an evidence of liability insurance from your insurer.

You are reminded that maintenance of the insurance is requirement of your Revocable Permit. As this the case, please make sure that your insurance is kept in force and that our office receives a Certificate of Insurance for each new renewal period.

If you have any questions, please feel free to contact our office at 984-8103. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Charlene B. Unoki".

Charlene Unoki  
Assistant Administrator

Enclosure

cc: Central Files  
District Files

EXHIBIT "2"

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

November 19, 2004

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

MAUI

Forfeiture of Revocable Permit No. S-4701, Randolph Castro,  
Permittee, Kaupo, Maui, Tax Map Key: (2) 1-7-2:portion of  
15.

PURPOSE:

Forfeiture of Revocable Permit No. S-4701, Randolph Castro,  
Permittee.

LEGAL AUTHORITY:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

Portion of Government lands of Kaupo situated at Hana, Maui,  
identified by Tax Map Key: (2) 1-7-2:portion of 15, consisting of  
approximately .036 acres, as shown on the attached map labeled  
Exhibit A.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_ NO \_\_\_x

CHARACTER OF USE:

Residence purposes.

COMMENCEMENT DATE OF PERMIT:

Commenced on August 1, 1971.

MONTHLY RENTAL:

\$13.00

REMARKS:

Pursuant to the provisions contained in Revocable Permit S-4701,  
Randolph Castro, Permittee, was mailed a default notification

*Withdrawn*  
APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON  
*November 19, 2004*

ITEM D-9

EXHIBIT " 3 "

letter dated January 28, 2003 for:

- Failure to keep lease rental payments current
- Failure to post required security deposit
- Failure to post required fire insurance policy
- Failure to post required liability insurance policy

This notice offered the Permittee a thirty-day cure period to correct the default. This cure period expired on February 28, 2003. As of October 18, 2004, this breach has not been cured.

As of October 18, 2004, the current status of all permit compliance items is as follows:

RENT: The Permittee is current with all rent obligations.

INSURANCE: The Permittee has not posted the required liability insurance policy.

SECURITY DEPOSIT: The Permittee has posted the required security deposit.

OTHER: None

Permittee was also mailed a default notification letter dated May 28, 2002 for:

- Failure to post required liability insurance policy

Said letter offered the Permittee a thirty-day cure period to correct the default. This cure period expired on June 28, 2002. The breach was not cured. Staff did not take this matter to the Board for forfeiture.

No agency or community comments were solicited. There are no other pertinent issues or concerns.

RECOMMENDATION: That the Board:

1. Authorize the cancellation of Revocable Permit No. S-4701 in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit No. S-4701 as liquidated damages;
3. Terminate the lease and all rights of Permittee and all obligations of the Permitter effective as of November 19, 2004, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the lease to survive termination shall endure past such termination date until duly fulfilled, and further

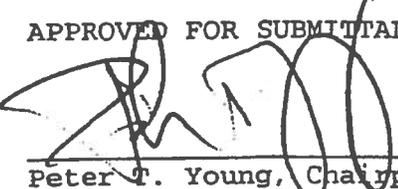
provided that Permittor reserves all other rights and claims allowed by law; and

4. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under Revocable Permit No. S-4701 and to pursue all other rights and remedies as appropriate.

Respectfully Submitted,

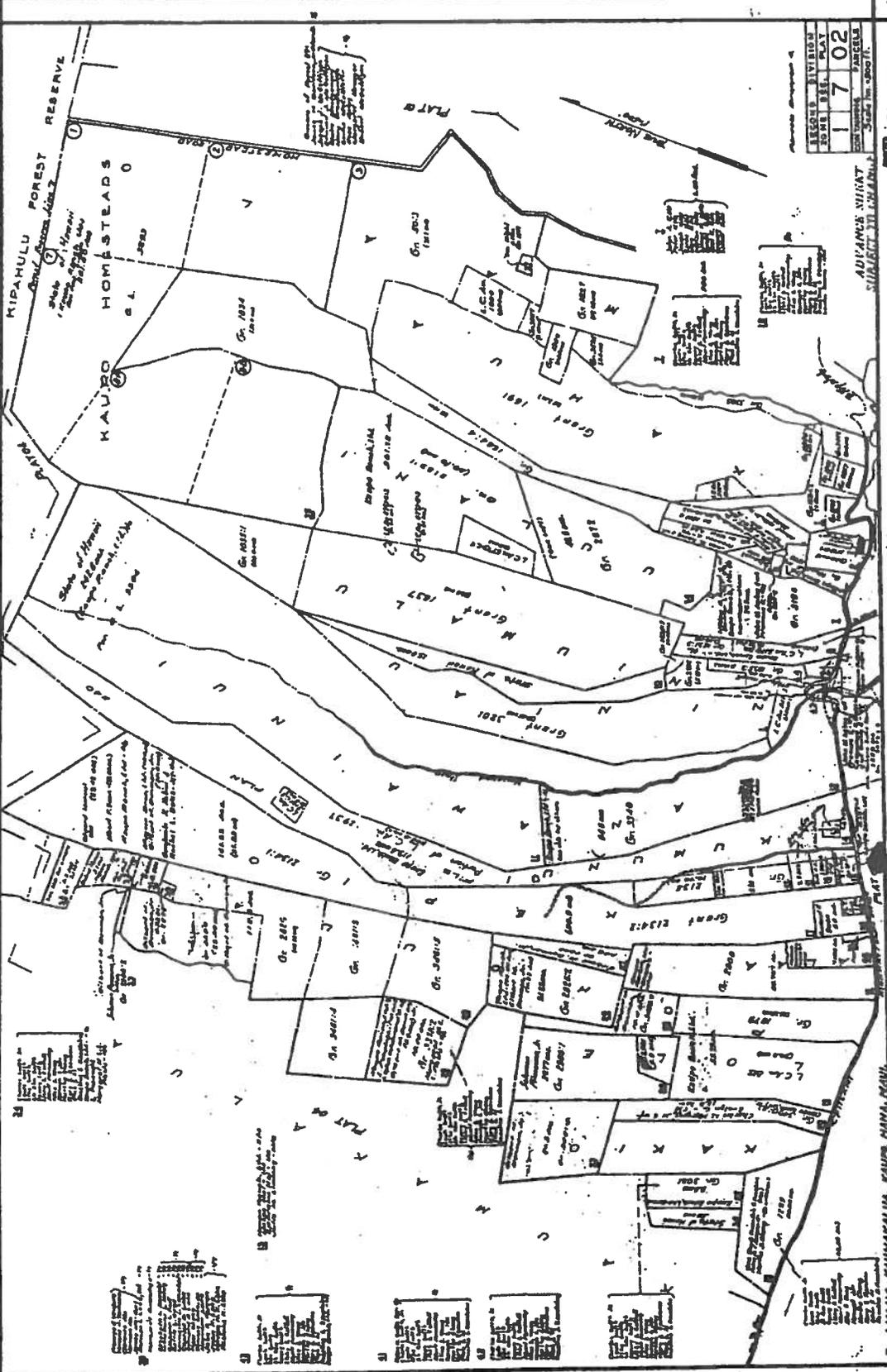
  
Charlene E. Unoki  
Assistant Administrator

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Peter T. Young, Chairperson



1702



REGULATED BY	1702
DATE	MAY
PARCELS	1702
STATE	1702

ADVANCE NOTIC  
SUBJECT TO CHANGE

Eng. No. 2114  
Drs. - BUREAU, Auckland, N.Z.