

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

December 12, 2014

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

Ref: RP 7814

Oahu

Forfeiture of Revocable Permit No. S-7814, Wallace K. Lean III, Permittee,
Kalauao, Ewa, Oahu, Tax Map Key: (1) 9-8-011:006.

PURPOSE:

Forfeiture of Revocable Permit No. S-7814, Wallace Lean III, Permittee.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kalauao, situated at Ewa, Oahu, identified by Tax Map
Key: (1) 9-8-011:006, as shown on the attached map labeled **Exhibit A**.

AREA:

7.613 acres, 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: NO

CHARACTER OF USE:

General agriculture purposes.

COMMENCEMENT DATE OF PERMIT:

Commenced on March 13, 2012.

MONTHLY RENTAL:

\$48.00 per month.

REMARKS:

Pursuant to the provisions contained in Revocable Permit S-7814, a default notification letter ("Notice") dated September 12, 2014 (**Exhibit B**) was mailed to Wallace K. Lean III, Permittee at his last known address with a copy posted on the premises on September 17, 2014.

The Notice cited the permittee for failure to keep rental payment [September 2014] current and keep the premises in a clean, sanitary and orderly condition. At the time of writing this submittal, there is a rental delinquency (\$48) for November 2014.

Staff noted from the inspection on September 4, 2014 that the premises had not been properly maintained in the manner required by the permit provisions. The premises showed signs of heavy vegetative overgrowth, trash, and abandoned chicken housing structures. There were no signs that any agricultural activity was being conducted on the premises. Inspection photos are attached as **Exhibit C**.

The Notice required the Permittee to resolve the issues before October 20, 2014. Further, the Permittee was advised by the Notice that if he failed to comply by the deadline, the subject permit would be terminated. Before finalizing this submittal, staff inspected the premises again and did not observe any improvement in the condition of the premises. Follow-up inspection photos are attached as **Exhibit D**.

At the time of writing of this submittal, the rent for November 2014 is outstanding, and the liability insurance policy expired.

Staff recommends the Board authorize the forfeiture of RP 7814. Upon approval, staff will start recovering possession and the clean-up of the premises.

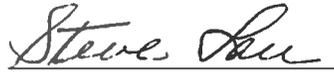
RECOMMENDATION: That the Board:

1. Authorize the termination of Revocable Permit No. S-7814 in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit No. S-7814 to be applied to any past due amounts;
3. Terminate the permit and all rights of Permittee and all obligations of the Board effective as of the Board date, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the

permit to survive termination shall endure past such termination date until duly fulfilled, and further provided that the Board reserve all other rights and claims allowed by law; and

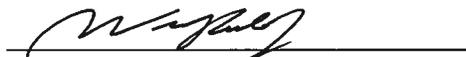
4. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under Revocable Permit No. S-7814 and to pursue all other rights and remedies as appropriate.

Respectfully Submitted,



Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
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BUREAU OF CONVEYANCES
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Ref: LD-SL

RP-7814

September 12, 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED AND
POSTED ON THE PREMISES

LETTER POSTED ON
9/17/2014 @ 9:45 A.M
BY STEVE LAULANI AGED
DOCARE OFFICER:
Guy Humphreys and
Land Maintenance Crew
BOB Medeiros

Mr. Wallace Lean III

Waianae, Hawaii 96792

Dear Mr. Lean III:

Subject: Revocable Permit No S-7814, Wallace Lean III,
Kalauao, Ewa, Oahu, TMK: (1) 9-8-011:006.

This letter is to inform you that several attempts were made by our office through telephone calls and phone messages to notify your daughter and her husband, Sheena Takemoto and Scottie Takemoto of a site inspection of the subject property for September 4, 2014.

On the above date, a site inspection of the subject permit area was conducted by Land Division staff and with DOCARE officers. Our site inspection revealed that the subject permit area has not been properly maintained. The premises showed signs of vegetative overgrowth, trash and debris and abandoned chicken housing structures throughout the property and NO signs of any agricultural activity being conducted on the property.

This is a breach of the terms and conditions of Revocable Permit No. S-7814, condition #10, which states "The Permittee shall keep the Premises and improvements in a clean, sanitary, and orderly condition".

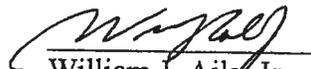
In addition, our records show that the rent for the month of September 1, 2014 in the amount of \$48.00 per month has not been paid. This also is a breach of condition #2 of the revocable permit which states, " monthly rent in the sum of forty eight and no/100 dollars (\$48.00) payable in advance by the first of each and every month".

EXHIBIT "B"

We ask that you resolve the above items before October 20, 2014 or the revocable permit will be terminated. We ask for your full cooperation in correcting these matters.

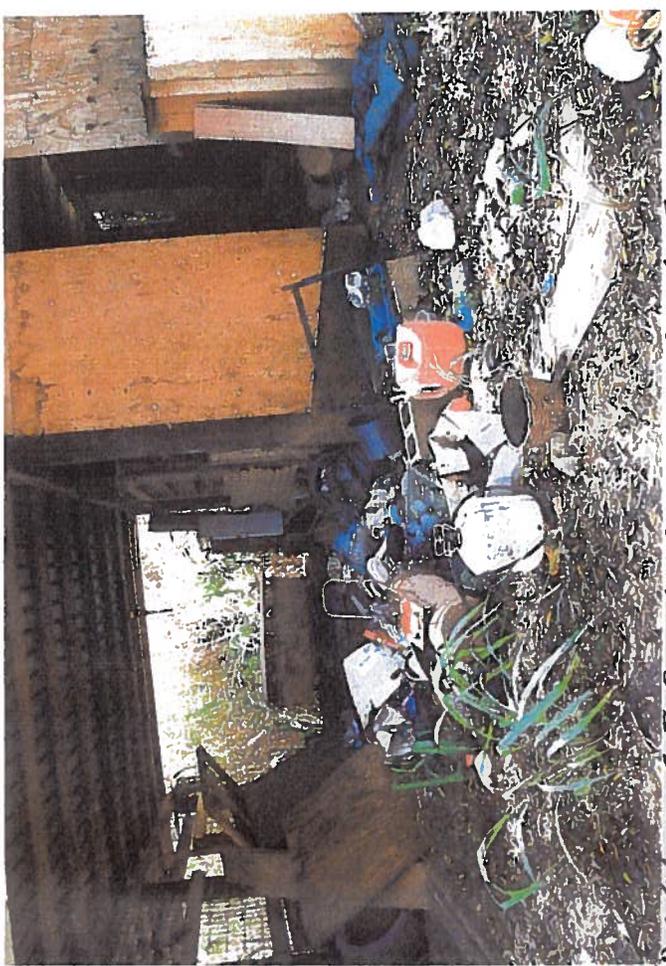
Should you have any questions, please call Mr. Steve Lau of the Oahu District Land Office at 587-0447.

Sincerely,


William J. Aila, Jr.
Chairperson

cc: Land Board Member
Ms Sheena Lean Takemoto

K.P-1814, Wallace Leantill, TMK: (1) 9-8-011'006

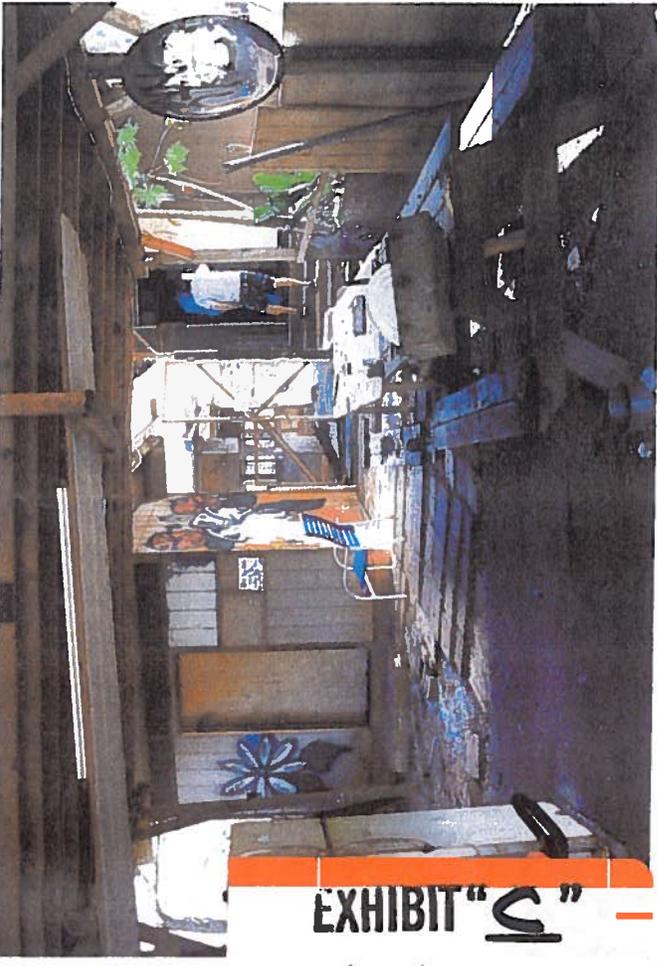


Debris & Trash located upper portion



ABANDONED CHICKEN CAGES

9-4-2014



ABANDONED OFFICE/LANAI AREA

9-4-2014



Discarded Trash & Debris

9-4-2014

R.P. 7814, Wallace bean. III, Trk. (1) 9-8-011:006

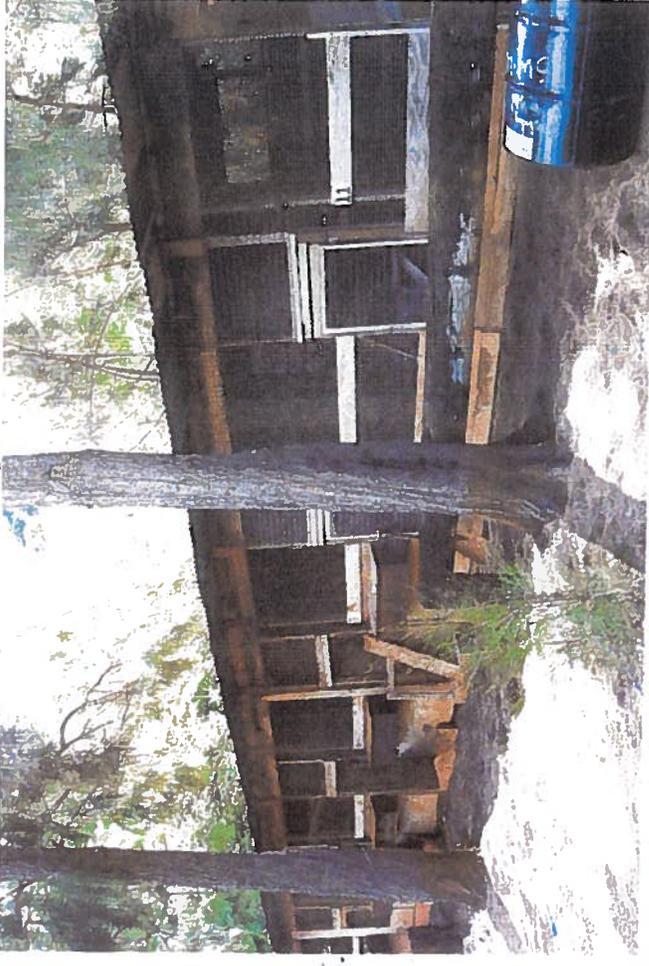


Discarded Trash & Debris

9-4-2014



Abandoned / Discarded Items, 9-4-2014



Empty & Abandoned Chicken Housing

9-4-2014



9-4-2014

RP. 7814, Wallace Kean III, TMK: (1) 9-8-011:006

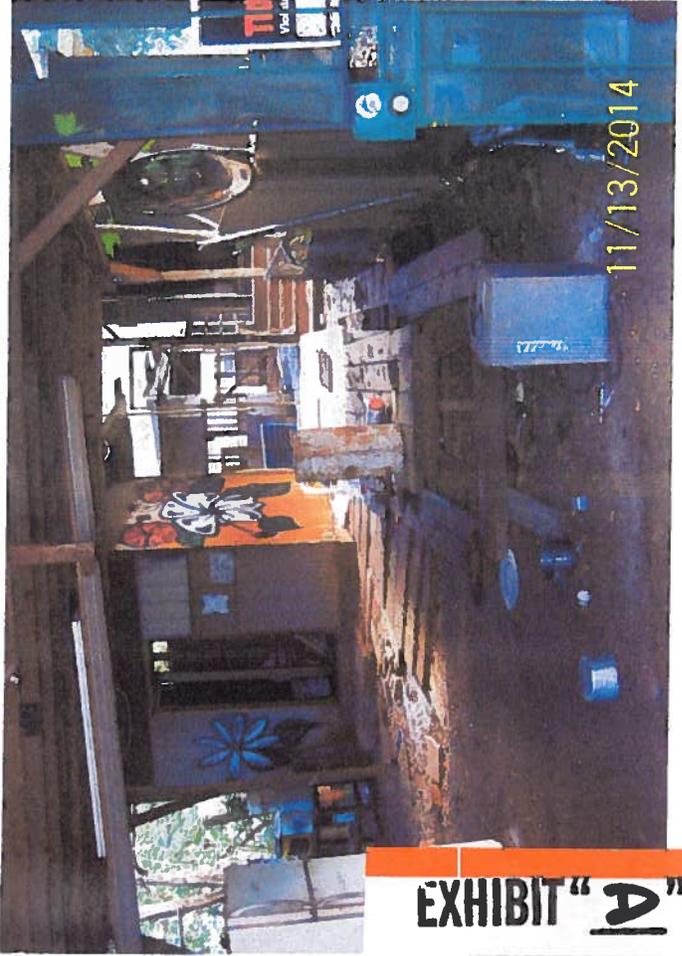
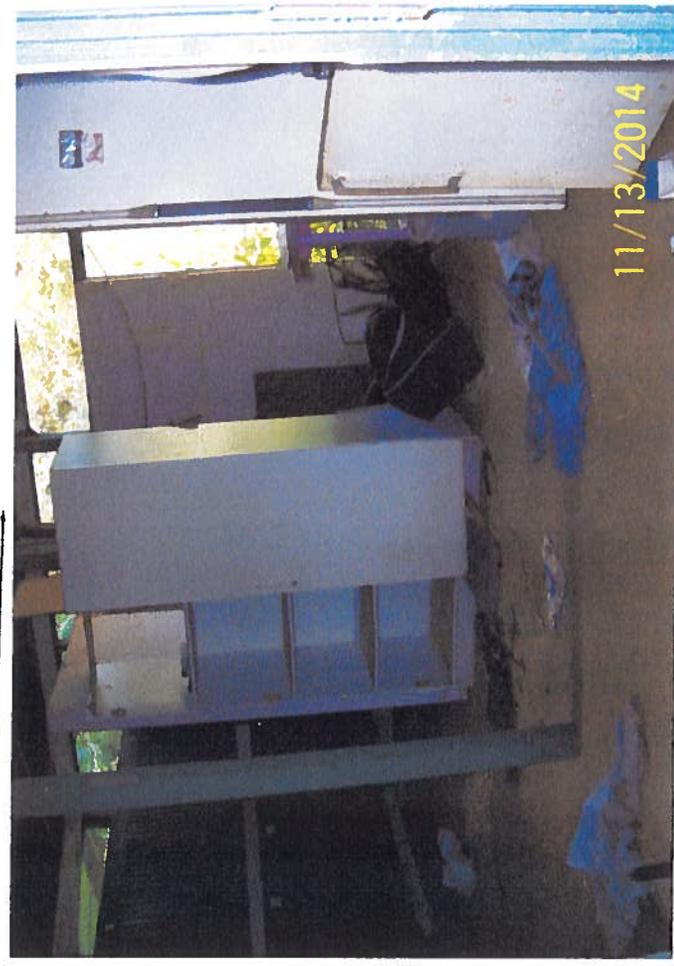
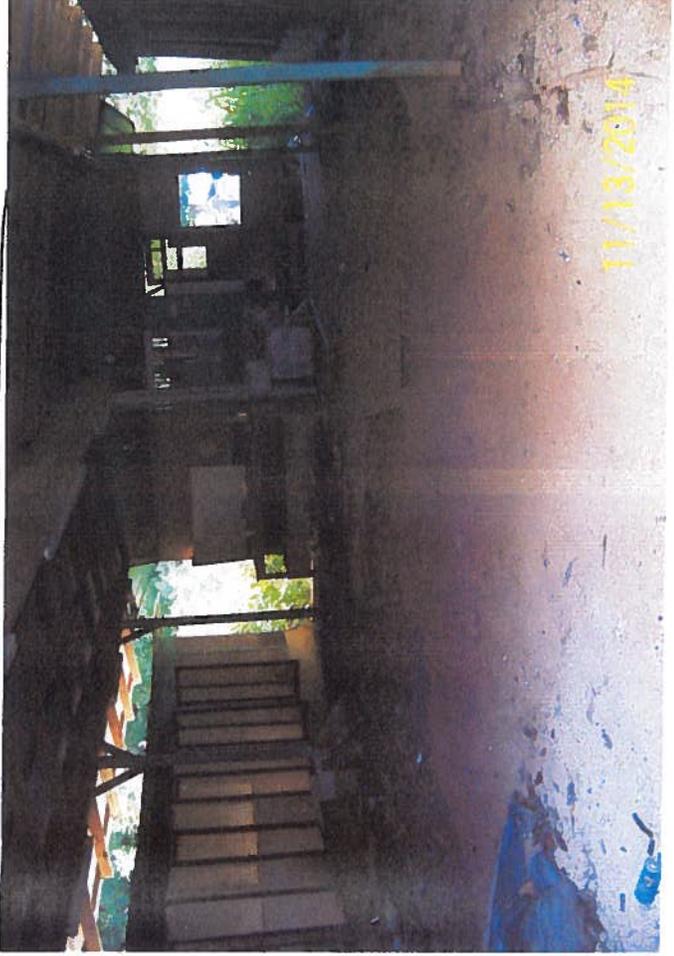


EXHIBIT "A"

• K1-7814, Wallace Lean III, Trak. (1) 9-8-011:006



RP-7814, Wallacelean III, Tmk:(1) 9-8-011:006

