

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

January 11, 2013

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

RP No.S-7818  
  
Kauai

Cancellation of Revocable Permit No. S-7818, Donna Nunes-Hoopii, Permittee, Por.  
Kapaa Town Lots, Kapaa, Kawaihau, Kauai, Hawaii, Tax Map Key: (4) 4-5-011:010.

PURPOSE:

Cancellation of Revocable Permit No. S-7818, Donna Nunes-Hoopii, Permittee

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kapaa Town Lots, Kapaa, Kawaihau, Kauai, Hawaii,  
Tax Map Key: (4) 4-5-011:010, as shown on the attached map labeled Exhibit A.

AREA:

0.19 acre, 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

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7818, Donna Nunes-Hoopii, Permittee, for  
residential purposes.

CHARACTER OF USE:

Residential purposes.

COMMENCEMENT DATE:

Commenced on: July 1<sup>st</sup>, 2012

MONTHLY RENTAL:

\$ 311.00 per month

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

REMARKS:

Donna Nunes-Hoopii was granted approval for the issuance of a Revocable Permit by the Board of Land and Natural Resources' action of September 23, 2011, under item D-2.

Revocable Permit No. S-7818 was issued to Donna Nunes-Hoopii effective as of July 1, 2012, for residential purposes.

On December 18, 2012, the Kauai District Land Office received written notification from the Kauai Police Department that a narcotics investigation was conducted on November 5, 2012. During the investigation within the residence, crystal methamphetamine, marijuana and drug paraphernalia were confiscated and two residents of the property were arrested. A copy of the letter is attached as Exhibit "B".

This is a violation of the Revocable Permit, Page 3 Section A.12 – “[The Permittee shall:] Not make, permit, or suffer, any waste, strip, spoil, nuisance or unlawful, improper, or offensive use of the Premises.”

On December 20, 2012 the Kauai District Land Office sent a letter to the Permittee, Donna Nunes-Hoopii notifying her of the letter from the Kauai Police Department and that Staff would be recommending cancellation of the Revocable Permit at the Board's January 11, 2013 meeting.

Based on the letter from the Kauai Police Department, which describes a serious violation of the conditions of the Revocable Permit, Staff is recommending immediate cancellation of the Revocable Permit.

In addition, the Revocable Permit contains provisions in Section B.2. and B.11. as follows:

Section B.2.

The Board may revoke this Permit for any reason whatsoever, upon written notice to the Permittee at least thirty (30) calendar days prior to the revocation; provided, however, that in the event payment of rental is delinquent for a period of ten (10) calendar days or more, this Permit may be revoked upon written notice to the Permittee at least five (5) calendar days prior to the revocation.

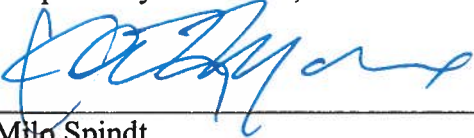
Section B.11.

The use and enjoyment of the Premises shall not be in support of any policy which discriminates upon any basis or in any manner that is prohibited by any applicable federal, state, or county law.

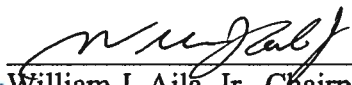
RECOMMENDATION: For all the foregoing reasons, that the Board:

1. Authorize the cancellation of Revocable Permit No. S-7818;
2. Terminate the permit and all rights of Permittee and all obligations of the Permitter effective upon approval, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the lease survive cancellation shall endure past such cancellation date until duly fulfilled, and further provided that Permitter reserves all other rights and claims allowed by law (and specifically the right to require Permittee to pay for a Phase I environmental site assessment of the premises); and
3. 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-7818 and to pursue all other rights and remedies as appropriate.

Respectfully Submitted,

  
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Milo Spindt  
District Land Agent

APPROVED FOR SUBMITTAL:

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





**BERNARD CARVOLHO**  
Mayor

**GARY HEU**  
Administrative Assistant

# POLICE DEPARTMENT COUNTY OF KAUAI

3990 KAANA STREET, SUITE 200  
LIHUE, HAWAII 96766-1268  
TELEPHONE (808) 241-1600  
FAX (808) 241-1604



**DARRYL D. PERRY**  
Chief of Police

**MICHAEL M. CONTRADES**  
Deputy Chief

December 6, 2012

State of Hawaii Land & Natural Resources Department Land Division  
Attn: Milo Spindt  
3060 Eiwa Street, Room 208  
Lihue, Hawaii 96766

DLNR EDLO PCUB  
DEC 18 '12  
12:19:49

Dear Milo Spindt,

On November 5, 2012, officers of the Kauai Police Department conducted a narcotics investigation that involved property owned by the State of Hawaii, which is located at Kapaa, Hawaii, 96746.

During the investigation within that residence, crystal methamphetamine, marijuana and drug paraphernalia were confiscated.

The following individual(s) were identified as residing at the residence and two were arrested at the time of the investigation;

1. Ginger Zenger
2. Toby Michalek
3. Aaron Andersland

The investigation has been forwarded to the Office of the Prosecuting Attorney and to the United States Attorney's office for prosecution.

Under state and federal law, such a property may be subjected to forfeiture proceedings if it can be proven that the owners had knowledge of this illegal activity. This letter will serve as notice that further drug violations involving the above mentioned parties at this property will be referred to the Kauai County Prosecutors Office or the United States Attorney's Office for forfeiture consideration.

Sincerely,

**ROY ASHER**  
ASSISTANT CHIEF OF POLICE

TWT/

## EXHIBIT B