

Hawaiian Shores Community Association

15-2793 S. HONU STREET PAHOA, HAWAII 96778
PHONE (808) 965-8140 FAX (808) 965-0802
EMAIL: hsca@hawaii.rr.com

Hawaiian Shores Community Association Enforcement Review Committee

MINUTES FOR
MEETING #4
03/14/2019 @ 6:00 PM

In Attendance: Kathryn Kuhlman, Tom Cumming, Steve Bailey,
Absent Caroline Weber

Chair, Kathryn Kuhlman opened the meeting at 6 PM and verified that a quorum including Kathryn Kuhlman, Tom Cumming, and Steve Bailey was present. Caroline Weber was absent. Sara Tokura-Ellsworth was present representing HSCA staff.

The committee reviewed the minutes of the previous meeting that was held on 01/24/2019. Steve Bailey noted that the minutes should also include a spreadsheet that showed the ERC actions on various properties in disrepair. Sara and Steve will ensure the spreadsheet is attached. Steve Bailey moved to approve the minutes, Tom Cumming seconded, and the minutes were approved with unanimous consent.

NEW BUSINESS

The next order of business was for the committee to review various lots that have been subject to hazardous tree removal orders. The first item involved lot 521 and an albizia tree violation. The owner of the lot has also not paid the 2019 assessment as yet. After reviewing the photos of the trees, the committee agreed to send a fine hearing notice as soon as the next meeting is scheduled, in Japanese and Steve indicated that we should probably consult our legal counsel relative to small claims court actions involving members who might not be citizens of the US and may also not live here.

The next order of business involved Lot 581 and a tree encroachment violation. The committee agreed to send a fine hearing notice as soon as the next meeting is schedule.

The next order of business involved Lot 916 and a small sized albizia violation. Photos of the trees seemed to indicate that they were not currently hazardous but would become so as they grow. The trees on this lot could be easily poisoned and the committee agreed to advise the owner that the trees should be immediately removed or better poisoned before a fine hearing notice is considered.

The next order of business involved Lots 1392 and 1505 and tree encroachment violations. After reviewing photos, the committee decided to send a fine hearing notice for both encroachments as soon as the next meeting is scheduled but also instructed that the owner be advised that the trees on lot 1392 could be poisoned.

The next order of business involved Lot 948 and albizia tree encroachment violations. This owner has also not paid the annual assessment for two years. After reviewing the photos the Committee agreed to send a fine hearing notice as soon as the next meeting is scheduled.

The next order of business involved Lot 1187 and albizia tree encroachment violations. After reviewing the photos the Committee agreed to send a fine hearing notice as soon as the next meeting is scheduled.

The next order of business involved Lots 1445 and 1447 and albizia tree encroachment violations. After reviewing the photos the Committee agreed to send a fine hearing notice as soon as the next meeting is scheduled but also instructed that the owner should be advised that some of the trees could be poisoned. After reviewing the photos the Committee agreed to send a fine hearing notice as soon as the next meeting is scheduled.

The next order of business involved Lot 1779 and tree encroachment violations. This owner has also not paid annual assessments for two years and is not current on property taxes. After reviewing the photos the Committee agreed to send a fine hearing notice as soon as the next meeting is scheduled.

The next order of business involved Lot 1827 and tree encroachment violations. This owner has also not paid annual assessments for four or five years. After reviewing the photos the Committee agreed to send a fine hearing notice as soon as the next meeting is scheduled.

OLD BUSINESS

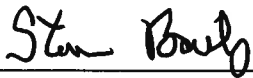
The next order of business involved a fine hearing for Lot 623 and failure to remove non-permitted or allowed structures from the lot. Jake Schooley, who represents the owners of record, was present to address the committee. Jake indicated that it was their belief that the structures in place were allowed to exist related to the Step One approval and that the property is now in compliance with all County Codes. Steve verified that the property is now in compliance with all County Codes but that the property is in violation of HSCA CC&R's. Tom, who was present at the DRC meeting when the Step 1 hearing was held in 2016, stated the structures were deemed to be in violation at that time, but only allowed to remain if progress was made toward a successful review and approval of Step 2. Tom verified that there has not been a Step 2 application in the intervening two and a half years. After additional discussion along these lines, Jake also mentioned that the water to the lot had been disconnected. This was done with written notice and was implemented as Hawaii County, almost one year ago, had verified that the structures were not habitable. Jake offered to take four months to remove the structures and requested that he have the \$1,000 water tap fee returned to him as this would be better for both agencies as compared to attorney fees etc. The committee agreed to send out the fine notice provided the Board of Directors agrees that HSCA is not currently interested in accepting the owners offer to resolve the matter.

The next order of business involved a fine hearing for Lot 1123 and tree encroachment violation. After reviewing the previous information for this item and the Committee agreed to fine Lot 1123 for the tree encroachment violation.

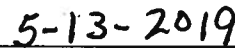
The next order of business involved a fine hearing for Lot 1393 and tree encroachment violation. This owner is in communication with our office. The owner has indicated that he is trying to get the trees removed but he is still trying to acquire a reasonable quote. The committee agreed to send out a fine notice and to stress that the work to remove the trees needs to be done as soon as possible and in accordance with the owner's own commitment to remove the trees within 30 days.

The Committee had further discussions about the water turn off for Lot 623 and whether or not we had discussed this with our legal counsel, which we had. Katt also noted that HSCA had written a letter indicating the CC&R violation for the placement of structures on a Lot without following the building process that HSCA has. This was sent before the Step 1 hearing for Lot 623. The Committee reiterated its desire to present Jake's offer to the Board but to not recommend consideration of it and that we should proceed to fine for the violation.

There being no other business for the committee the meeting was adjourned at 7:15 PM.



Steven Bailey



Date