



**SanHi**

GOVERNMENT STRATEGIES

A LIMITED LIABILITY LAW PARTNERSHIP

DATE: February 4, 2025

TO: Representative David Tarnas  
Chair, Committee on Judiciary & Hawaiian Affairs

FROM: Mihoko Ito / Tiffany Yajima

RE: **H.B. 29, HD1 – Relating to the Counties**

**Hearing Date: Wednesday, February 5, 2025 at 2:00 p.m.**  
**Conference Room: 325**

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Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs:

We submit this testimony on behalf of the Hawaii Bankers Association (HBA). HBA represents seven Hawai'i banks and one bank from the continent with branches in Hawai'i.

HBA submits these **comments** on H.B. 29, HD1, which authorizes counties, after adoption of an ordinance, to sell private property after all notices, orders, and appeal proceedings are exhausted, and to use those revenues to pay unpaid civil fines related to that property. Requires the county to remit any amounts in excess of the unpaid civil fines to the property owner.

This bill gives the counties the power to proceed with a public sale after it establishes "the appropriate laws, ordinances or rules establishing the power of sale." This language is vague because it could be read to mean that the county can establish its own power of sale process. However, there is already a statutory power of sales process established in HRS Chapter 667, which establishes clear procedures for power of sale proceedings, including important notice and timing provisions. We would suggest the following amendments to make this bill clear that counties may use the power of sale process set forth in HRS Chapter 667.

At page 7, lines 15-19:

The counties shall provide the property owner with the opportunity to contest the summary action and to recover the owner's property; provided that after enactment or adoption by the county of appropriate and particular laws, ordinances, or rules, a county may proceed with a power of sale of the property

pursuant to chapter 667, after all notices, orders, and appeal proceedings are exhausted;

At page 21, lines 9-19:

(G) After all notices, orders, and appeal proceedings are exhausted, a county may satisfy all unpaid civil fines through the power of sale on the real property subject to a recorded lien; provided that upon the sale of a property, any amount received in excess of the unpaid civil fines shall be paid to the property owner. A power of sale shall become fully effective within a county upon the enactment or adoption by the county of appropriate and particular laws, ordinances, or rules establishing the use of power of sale pursuant to chapter 667;

Thank you for the opportunity to submit this testimony.

Feb. 5, 2025, 2 p.m.  
Hawaii State Capitol  
Conference Room 325 and Videoconference

**To: House Committee on Judiciary & Hawaiian Affairs**  
**Rep. David A. Tarnas, Chair**  
**Rep. Mahina Poepoe, Vice-Chair**

**From: Grassroot Institute of Hawaii**  
**Ted Kefalas, Director of Strategic Campaigns**

RE: COMMENTS ON HB29 HD1 — RELATING TO THE COUNTIES

Aloha Chair Tarnas, Vice-Chair Poepoe and other members of the Committee,

The Grassroot Institute of Hawaii would like to offer its **comments** on [HB29 HD1](#), which would allow Hawaii's counties to sell private property — after the adoption of an ordinance and exhaustion of all notices, orders and appeals — and use the revenues to satisfy any unpaid civil fines related to the property.

First, we would like to applaud the addition of language that would require the counties to remit any amounts in excess of the unpaid fines to the property owners. This provision would ensure that counties do not violate the intent of [Tyler v. Hennepin County](#), in which the U.S. Supreme Court held that retention by Minnesota's Hennepin County of the excess value of the plaintiff's home above her tax debt violated the U.S. Constitution's takings clause.<sup>1</sup>

However, we are concerned that the sales envisioned in this bill are ripe for corruption. Without a provision requiring the property be sold promptly at or near market value, it is possible for a bad actor to deprive the owner of his or her equity interest in the property.

For example, in [Michigan](#), corruption at the local level resulted in some foreclosed properties being sold far below market price to friends and families of local officials.<sup>2</sup>

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<sup>1</sup> [Tyler v. Hennepin County, Minnesota, et al.](#), Supreme Court of the United States, October Term, 2022.

<sup>2</sup> ["Ending Home Equity Theft."](#) Pacific Legal Foundation, accessed Feb. 4, 2025.

We suggest that the Committee amend the bill to require that any properties seized under this section must be subject to a timely and competitive sale to the highest bidder.

Thank you for the opportunity to testify.

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

## KILL HB29 HD1

### Who trust DPP on Oahu? Who wants allow DPP to be the POLICE, PROSECUTOR, JUDGE, JURY & EXECUTOR?

Aloha to all Senators and Representatives:

We understand that you have too much paperwork to read and analyze each bill in such a short time. (We just heard about this ourselves!) But you cannot ignore this very dangerous Bill or others like it. This affects all counties. HB29 is tearing down a cathedral to fry an egg.

The **Power of Sale** to seize private property through civil fines, WITHOUT going the court, was first initiated (as a legislative county package) by Honolulu **Mayor Rick Blangiardi**. Honolulu City Councilmen **Calvin Say** and the DPP Directors **Dean Uchida/Dawn Apuna** were the main public champions of these yearly requests. Say chose not to run for a second term.

**Representative Cory Chun** from Aiea is the new introducer for this Power of Sale. There are a few new buzz words but the contents are the same.

Adopting HB29 HD1 through NON-JUDICIAL Power of Sale allowing ALL Counties to seize private properties WITHOUT Due Process is unconstitutional.

The Counties already have the power of “eminent domain” for Public Purpose. They have other options. These potent powers turn us into China.

All Hawaii County Mayors and its elected officials and employees swear to to faithfully support the **US Constitution** with enshrined private property rights:

*Section 13-118. Oaths of Office -- Before entering upon the duties of office, each officer elected or appointed shall subscribe to the following oath or affirmation before some person duly qualified to administer oaths:*

*"I solemnly swear (or affirm) that I will faithfully support the **Constitution and laws of the United States of America, the Constitution and laws of the State of Hawaii and the Charter and laws of the City and County of Honolulu, and conscientiously and impartially discharge my duties as \_\_\_\_\_ of the City and County of Honolulu.**" (Reso. 83-357; 1992 General Election Charter Amendment Question No. 32A(10))*

**HONOLULU Department of Planning & Permitting (DPP) wants to sell your property based on violations fines.**

**DPP wants non-judicial Power of Sale to sell your property WITHOUT going to court.**

**Do you trust  
DPP to have  
this Power of  
Sale?**

**The Supreme Court Justices including Ruth Bader Ginsburg have already ruled "NO" to this tyranny and unconstitutional grab.**

**RBG: " Fourteenth Amendment Protection against excessive punitive economic sanctions secured by the Clause is, to repeat, both "fundamental to our scheme of ordered liberty" and "deeply rooted in this Nation's history and tradition."**

**. . . those fines could be used to retaliate against political enemies and have been used as a source of revenue."**

COUNTY WANTS POWER OF SALE  
TO SELL YOUR PROPERTY  
WITHOUT  
GOING TO COURT!!



**CAN WE  
TRUST**

the COUNTY  
GOVERNMENT  
to be the  
Police, Judge, Jury,  
& Executioner????



*Submit  
testimony  
here!*



**KILL TROJAN HORSE  
HB29 HD1**

Email NOW!  
[reps@capitol.hawaii.gov](mailto:reps@capitol.hawaii.gov)  
[sens@capitol.hawaii.gov](mailto:sens@capitol.hawaii.gov)

We unequivocally oppose the testimony of Honolulu Department of Planning and Permitting Dawn Apuna for obvious reasons. There must be utmost respect and faithfulness to the Constitution. Private Property Rights is not something to fool around with for more revenues.

Private Property Rights cannot be trampled upon simply because the county lacks manpower or obeying the existing laws is too lengthy and costly. The forefathers provided these protections to prevent tyranny. That's what exactly the US Constitution is about – to protect ordinary citizens from any rouge long arm of the government or from those in power who want more and more powers.

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

**DEPARTMENT OF PLANNING AND PERMITTING**

*KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE*

**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041 • WEBSITE: honolulu.gov/dpp

RICK BLANGIARDI  
MAYOR  
MEHA



DAWN TAKEUCHI APUNA  
DIRECTOR  
PO'O

BRYAN GALLAGHER, P.E.  
DEPUTY DIRECTOR  
HOPE PO'O

REGINA MALEPEAI  
2<sup>ND</sup> DEPUTY DIRECTOR  
HOPE PO'O KUALUA

January 28, 2025

The Honorable Mark J. Hashem, Chair  
and Members of the Committee on Water & Land  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Hashem and Committee Members:

**Subject: House Bill No. 29  
Relating to the Counties**

The Department of Planning and Permitting (DPP) **supports, with suggested amendments**, House Bill No. 29, which would authorize the counties to sell private property after all notices, orders, and appeal proceedings are exhausted, and to use those revenues to pay unpaid civil fines related to that property.

This Bill would empower the DPP to better enforce against repeat and egregious offenders, which generally rack up the largest accruals of fines. Specifically, this Bill would authorize the City to bring closure to pending civil fines imposed on landowners who are in violation of the City's land use ordinances and building codes, through a non-judicial or administrative process. The counties currently have and exercise the authority to use the non-judicial foreclosure process for collection of real property tax liens, which this Bill would extend to collection of liens on properties for civil fines.

Currently, the DPP issues a Notice of Violation (NOV) to notify the violator of the violation and to provide a reasonable amount of time to cure the violation, either by removing the violation or obtaining the proper approvals. If the landowner fails to comply with the NOV, a Notice of Order is issued to impose daily civil fines until the violation is corrected. Once the fines accrue to a certain amount based on the type of violation, a lien is placed on the property. If the violator continues to be noncompliant and/or does not pay the fines, the City moves forward with the judicial foreclosure process. However, the current judicial foreclosure process is a much lengthier and costlier process subject to a legal process mostly beyond of the City's control. The City has lacked the legal manpower and funding to pursue judicial foreclosures, and believes that the non-judicial foreclosure



The Honorable Mark J. Hashem, Chair  
and Members of the Committee on Water & Land  
Hawai'i House of Representatives  
House Bill No. 29  
January 28, 2025  
Page 2

process is a viable, more efficient and effective method for the City to collect liens on properties for civil fines.

We do have suggested amendments to clarify language in the proposed Bill:

Section 12: "The counties shall provide the property owner with the opportunity to contest the summary action and to recover the owner's property; provided that a county may proceed with a power of sale of the property after all ~~notices, orders, and appeal proceedings are rights to appeal an order imposing fines have expired or been exhausted;~~

As written, the above section raises the question as to what happens if a citation is appealed.

We believe the following subsection needs to be deleted to enable this Bill to function:

~~(vii) Other extenuating circumstances.~~

~~\_\_\_\_\_ The civil fine that is imposed by administrative order after this review is completed and the violation is corrected shall be subject to judicial review, notwithstanding any provisions for administrative review in county charters;~~

Similar to our first amendment, we suggest the following:

(F) If no county agency exists to conduct appeal proceedings for a particular civil fine action taken by the county, then one shall be established by ordinance before the county shall impose the civil fine[;]. After all ~~opportunities to appeal an order imposing fines have expired or been exhausted, notices, orders, and appeal proceedings are exhausted,~~ a county may satisfy all unpaid civil fines through the power of sale on the real property subject to a recorded lien. A power of sale shall become fully effective within a county upon the enactment or adoption by the

We respectfully request that you approve this Bill, with the recommended changes, to allow the counties to implement non-judicial foreclosures to efficiently and effectively collect civil fines.

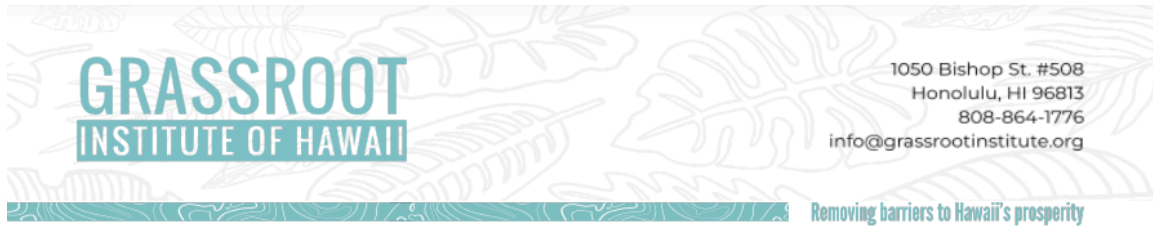
Thank you for this opportunity to testify.

Very truly yours,



Dawn Takeuchi Apuna  
Director Designate

We also vehemently oppose Grassroot Institute of Hawaii amendment. With supposed advocates for private property rights, which private property owner needs more enemies? GIH's suggesting the unconstitutional taking of private property based on DPP fines is ok as long as the deprived owner is paid some is a dangerous fallacy. This fallacy is akin to saying it's ok for the government to seize one child as long as the government doesn't take the other children. (The city has existing tools to do its job.)



Jan. 28, 2025, 9 a.m.  
Hawaii State Capitol  
Conference Room 411 and Videoconference

**To: House Committee on Water & Land**  
**Rep. Mark J. Hashem, Chair**  
**Rep. Rachele F. Lamosao, Vice-Chair**

**From: Grassroot Institute of Hawaii**  
**Ted Kefalas, Director of Strategic Campaigns**

TESTIMONY IN OPPOSITION TO HB29 — RELATING TO THE COUNTIES

Aloha Chair, Vice-Chair, and other members of the Committee,

The Grassroot Institute of Hawaii is concerned about the civil rights implications of [HB29](#), which would allow Hawaii's counties to sell private property — after the adoption of an ordinance and exhaustion of all notices, orders and appeals — and use the revenues to satisfy any unpaid civil fines related to the property.

First, we urge the Committee to consider the possibility that the foreclosures and sales envisioned in this bill are not only ripe for corruption, but that it might also unfairly target vulnerable populations. It is possible that the effect of these foreclosures would fall most heavily on older individuals living on fixed incomes who do not have the resources to pay their fines, hire an attorney or otherwise navigate complicated legal and financial matters. According to the AARP, "tax authorities' seizure of all of their home equity is nothing short of catastrophic" for older individuals.<sup>1</sup>

We sympathize with the desire of the counties to address nuisances and recoup fines, but the bill does not adequately protect the equity interests of homeowners. Unless those interests are protected, any county actions to recoup fines via foreclosure sales would be vulnerable to legal challenge.

<sup>1</sup> [Brief of Amici Curiae AARP and AARP Foundation Supporting Petition for Writ of Certiorari](#), Tyler v. Hennepin County, Minnesota, Sept. 22, 2022, p. 4.

In [Tyler v. Hennepin County, Minnesota](#), the Supreme Court held that the county's retention of the excess value of the plaintiff's home above her tax debt violated the U.S. Constitution's takings clause. Thus, it is important that the bill be amended to protect the homeowner's equity interest.

We suggest that the committee add the following bolded language:

After all notices, orders, and appeal proceedings are exhausted, a county may satisfy all unpaid civil fines through the power of sale on the real property subject to a recorded lien. A power of sale shall become fully effective within a county upon the enactment or adoption by the county of appropriate and particular laws, ordinances, or rules establishing the power of sale; **provided that the county sell the property at no less than the market value of similarly situated properties and that all revenues received from the sale that exceed the amount of the unpaid civil fines be refunded to the property owner.**

This would not address all of our concerns about HB29, but it would at least prevent the unconstitutional taking of private property.

Thank you for the opportunity to testify.

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

All these testimonies are focused on one “nuisance neighbor” at **94-1144 Lumiauau Street, Waipahu, Hawaii**. While we sense the frustrations of the neighbors, could the city or neighbors or neighborhood board or community groups get together to help each other?

This “nuisance” family has owned this home since 1994 for 31 years. What problems could there be? How can neighbors help each other out? Live Aloha will protect us all; it may be this family today, it could be one of us tomorrow.

**HB-29**

Submitted on: 1/27/2025 8:34:14 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Leilani Alcover	Individual	Support	Written Testimony Only

Comments:

I support HB29

Property located across the street 94-1144 Lumiauau Street; Waipahu, has been violations and fines for many years.

The property is infested with garbage, trash, cats, rodents, chickens birds and mongoose. Overgrowth of trees and soon they will be in contact with electrical wires that may be dangerous and could cause fires because also there are dead brown Hale Koa Trees too. They also overhang into the city and county sidewalk and the hedges is over 8 feet tall. A health hazard and fire hazard that must be addressed to owner and to the public. I’m sure there are other areas on Oahu that have this problem.

I hope Bill HB 29 passes this legislation session.

Angelique Ryan – In support

I am in support of Bill HB29 for the property of 94-1144 Lumiauau Street. Due to health and sanitary reasons as well as the safety and hazardous conditions of this property in the community of Crestview, Waipahu.

The owner has unkept his home with continued trash and garbage piling up, with rodents and feral cats roaming in the neighborhood community, overgrowth of trees and plants covering electrical power lines and the safety health reason for this individual and his neighbors on Lumiauau Street.

We hope to resurrect some kind of plan with measure HB 29.

Edward Picard – In support

This is Edward Picard a resident of Lumiauau Street. I'm writing you in support of HB29 Bill to rid our neighborhood of property neglect, piling trash and unregistered broken vehicles. Please have something done about this problem. It is a nuisance and is unsightly for our community.

Sincerely,

Edward Picard,  
Resident of Lumiauau Street.

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

**HB-29**

Submitted on: 1/28/2025 8:18:43 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristian Cristobal	Individual	Support	Written Testimony Only

Comments:

As a home owner i feel this bill will help encourage other residents to upkeep their property.

I have a current neighbor who had let his property go derelict. I am concern as his home have been overgrown with brush and trash. I have approached him in the past regarding the state of his home and the hoarding of what seems to be trash in the front yard. We have contacted the fire dept regarding the fire hazard it poses to the adjacent property, but they are unable to do anything about it, only issue a warning. I am also concerned regarding health hazard, as we are trying to deal with pest control coming from said property. I hope this bill will incentives homeowners without HOA to maintain their homes and keep the neighborhood safe for the foreseeable future.

## **MORE REFERENCES:**

**HB29 is unconstitutional. Even if it wasn't, who can trust DPP or the city on Oahu?**

**Who wants allow DPP to be the POLICE, PROSECUTOR, JUDGE, JURY & EXECUTOR?**

## **EXAMPLE #1**

### **PRESS RELEASE**

# **Six Charged with Bribery Schemes for Official Acts at the Department of Planning and Permitting of the City and County of Honolulu**

Tuesday, March 30, 2021

Share

#### **For Immediate Release**

U.S. Attorney's Office, District of Hawaii

HONOLULU, Hawaii – Today, the United District Court for the District of Hawaii unsealed Honest Services Wire Fraud charges against the following six individuals arising out of schemes in which employees of the Department of Planning and Permitting ("DPP") of the City and County of Honolulu took bribes in exchange for performing official acts at DPP:

## **EXAMPLE #2**

**Which property owner in Honolulu would not be concerned about unequal application of law between “insiders” and “outsiders” at City Hall? Calvin was very nice to insiders but he wasn’t very nice to private property owners he doesn’t know.**

# **Caldwell’s Top Aide Lands City Council Gig To Cash In On Retirement Benefits**

The six-month job will set up former city Managing Director Roy Amemiya for benefits he can access for the rest of his life.

By [Christina Jedra](#) / January 6, 2021

*Former Honolulu Managing Director Roy Amemiya will be working for newly elected Councilman Calvin Say for the next six months so he can claim retirement benefits, the councilman said.*

*Amemiya’s term as the city’s second in command ended Saturday when Mayor Kirk Caldwell left office. But he needed a bit more time on his county employment record to qualify for retirement benefits.*



Roy Amemiya, Honolulu's former managing director, has a new job that will open up lifelong benefits. Cory Lum/Civil Beat

*So he asked Say for a job, according to Say. The councilman said he agreed to hire Amemiya as a special project manager for six months. He'll be making \$5,000 per month.*

*On Tuesday, Amemiya confirmed that he asked Say for the job to meet the 10-year mark that allows employees to qualify for retirement benefits. He otherwise declined to comment.*

*Amemiya worked for Mayor Jeremy Harris in the budget department from 1997 through 2000 and was appointed as Caldwell's managing director in 2015.*

*Someone with 10 years of service may be eligible for 50% coverage of retirement medical expenses and possible access to a pension, according to Bill Kunstman, a spokesman for the Hawaii Department of Labor and Industrial Relations. People do have the option of withdrawing the money they contributed to their pensions before they hit 10 years, Kunstman said.*

*Another added benefit of longer employment time is the allocation of more sick days, which factors into pension payments, Kunstman said.*





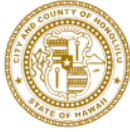
Former Rep. Calvin Say said he's helped others meet required years of service to access retirement benefits. Cory Lum/Civil Beat

*Former Rep. Calvin Say said he's helped others meet required years of service to access retirement benefits. Cory Lum/Civil Beat*

*It's a favor Say said he has offered to others, including when he was in the Legislature for over four decades.*

*"I've always helped individuals who have made these requests in qualifying for the health fund, their retirement pension, et cetera," he said.*

**Calvin was very nice to insiders but he wasn't very nice to private property owners he doesn't know.**



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
530 SOUTH KING STREET, ROOM 202  
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TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

Councilmember District 5  
Telephone: (808) 768-5005  
Email: ckysay@honolulu.gov

February 15, 2022

TO: CHAIR AARON LING JOHANSON, COMMITTEE ON CONSUMER  
PROTECTION AND COMMERCE  
VICE CHAIR LISA KITAGAWA, COMMITTEE ON CONSUMER PROTECTION  
AND COMMERCE

FROM: COUNCILMEMBER CALVIN SAY  
HONOLULU CITY COUNCIL, DISTRICT V

**SUBJECT: TESTIMONY IN SUPPORT OF HOUSE BILL 1434**

Aloha Chair Johanson, Vice Chair Kitagawa, and Members of the Committee on Consumer Protection and Commerce:

I am a current member of the Honolulu City Council representing District 5 and serving as the Chair of the Budget Committee. I stand in **support** of House Bill 1434, which aims to authorize counties, after adoption of an ordinance, to sell private property after all notices, orders, and appeal proceedings are exhausted and to use those revenues to pay unpaid civil fines related to that property.

Within the district I represent, we have multiple properties with Notices of Violations and/or Notices of Orders which have resulted in substantial fines to the property owners. These properties have brought health and safety hazards to the neighboring residents and community; however, the accruing fines have not been a strong enough incentive to move the property owners to corrective action.

Our City Corporation Counsel is currently able to initiate a Judicial Foreclosure process, which has been successful in similar instances; however, this is a long process that takes valuable resources away from other pressing legal matters. It also leaves the community with detrimental public nuisances such as fires, trash, and vermin. House Bill 1434 would allow the City to keep our neighborhoods safe by stopping illegal activities, health hazards, and other public nuisances on properties in a more efficient and expeditious manner.

Thank you for this opportunity to testify in **support** of House Bill 1434. Thank you for your time and consideration.



### EXAMPLE #3

**Who would have thought that a prime lot in the middle of downtown Honolulu could end up being sold by the city for ONLY \$112,000?**

**Piikoi Park being sold for \$112,000**



<https://www.civilbeat.org/2024/08/honolulu-faces-opposition-over-sale-of-public-park/>

*Serota said Piikoi Mini Park was identified as an “underutilized property,” for a few reasons. The small space makes it hard to install popular amenities like pickleball courts, community gardens or dog parks, and there’s no parking.*

*There are 32 mini parks on Oahu and it’s unusual for one to be sold by the city.*

***“I’ve never seen anything like it come across my desk,” Kawano said. ( City Budget Director).***

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## EXAMPLE #4

**Which property owner in Honolulu would not be concerned about unequal application of law between “insiders” and “outsiders” by City Hall?**

[Hawai'i Corruption Investigations](#)

## 2 Honolulu Officials To Plead Guilty In Kealoha Payout, Avoiding Jail Time

Former Mayor Kirk Caldwell said the deals represent the “last chapter of the Kealoha scandal.”

By [Christina Jedra](#) / February 3, 2025

Reading time: 7 minutes.

Share Article

[65](#)

*Three former Honolulu officials have reached agreements with the government to resolve federal charges that they improperly arranged a \$250,000 payout to the city's now-disgraced former police chief.*

*The city's former top attorney, Donna Leong; former Honolulu Police Commission Chairman Max Sword; and former Managing Director Roy Amemiya were accused of conspiring to circumvent the City Council when they arranged the retirement payment to Louis Kealoha in 2017.*

*Leong and Sword agreed to plead guilty to misdemeanor charges of conspiring to deprive the residents of Honolulu of their rights, court records show. Under the terms of their deals, each will serve one year of supervised release and pay \$100,000 in fines, attorneys told a U.S. District Court judge Monday morning.*

*Amemiya signed a deferred prosecution agreement that involves two years of supervised release and allows him to avoid a conviction on the same deprivation of rights charges. He will have to pay a \$50,000 fine and perform*



*Donna Leong, Max Sword and Roy Amemiya will avoid a trial in which they were facing possible prison time. (Civil Beat file images)*

*The case against the three officials centered on city officials' efforts to sidestep a City Council review of a controversial severance payment and avoid public*

*The crew had targeted the victim — Katherine's uncle Gerard Puana — falsely accusing him of stealing the Kealohas' mailbox in an effort to discredit him in a separate legal dispute.*

*The Police Commission had the power to investigate the allegations and fire the chief for cause. But Leong expressed concern that firing him would invite a lawsuit from the notoriously litigious Kealohas, former police commissioner Loretta Sheehan previously [told Civil Beat](#).*



*Louis Kealoha was convicted on corruption charges along with his wife Katherine. He is scheduled to be released from prison next year. (Cory Lum/Civil Beat/2019)*



*Former mayor Kirk Caldwell has never answered questions about whether he was involved in the Kealoha payout arranged by his appointees. (Cory Lum/Civil Beat/2020)*

*Former Honolulu mayor Kirk Caldwell, who appointed all three officials during his tenure, did not respond to an interview request.*

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## EXAMPLE #5

**Which resident of Honolulu would not be concerned about unequal application of law between “insiders” and “outsiders” at City Hall?**



<https://countrysalkstory.com/?p=1842> This legal immigrant family was bullied by their City Councilwoman. There were violations but instead of reaching out to help this immigrant family with their farm, the City Councilwoman enlisted DPP, the long arm of EPA, Department of Health, DCCA and others against this family - - to gain perceived political points for her failed Republican gubernatorial campaign.

The family also worried that their small farm with several hundred feet of Kamehameha Highway frontage access - - might be possibly coveted by a local corporate owner with thousands of acreages behind them with very limited ingress and egress.

As of this writing, their problems with DPP have not been closed yet.

This family was used as the “Bad Boy” for the city from the former DPP Director below. DPP refused to help them. The city councilwoman told DPP not to issue permits to them but the family needed permit approval to cure their violations. They were forced to hire an attorney to dialogue with the city.



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**  
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PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honoluluapp.org](http://www.honoluluapp.org) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

RICK BLANGIARDI  
MAYOR



DEAN UCHIDA  
DIRECTOR  
DAWN TAKEUCHI APUNA  
DEPUTY DIRECTOR  
EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

February 15, 2022

The Honorable Aaron Ling Johanson, Chair  
and Members of the Committee on Consumer  
Protection and Commerce  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Johanson and Committee Members:

**Subject: House Bill No. 1434  
Relating to the Counties**

The Department of Planning and Permitting (DPP) **strongly supports** House Bill No. 1434, which would allow the counties to collect on liens filed on properties for civil fines through a non-judicial foreclosure process.

This Bill will specifically address the need at the City to bring closure to pending civil fines imposed on landowners who are in violation of the City's land use and building ordinances. Currently, violators are issued a Notice of Violation and provided time to cure the violation, either by removing the violation or obtaining the proper approvals. If no action is taken by the landowner, a Notice of Order is issued with daily civil fines imposed until the violation is corrected. Once the fines accrue to a certain amount based on the type of violation, a lien is placed on the property. The DPP also flags the landowner's driver's license, motor vehicle registration, etc., which the owner will not be able to renew until the fines are paid.

Unfortunately, many of our liens go uncollected, and violators continue to break the law. The City's Corporation Counsel (COR) lacks sufficient resources to invest in the lengthy judicial foreclosure process. Having the ability to pursue an administrative foreclosure process to address outstanding liens and civil fines will give some leverage over the landowner to comply or lose their property.

We have an existing situation in Hauula, where the owner of a property in the Agricultural district is turning the site into a base yard for his construction business. The neighbors are complaining, the Councilmember representing that district is complaining, and we have exhausted our current legal remedies. We have issued NOV and NOOs

The Honorable Aaron Ling Johanson, Chair  
and Members of the Committee on Consumer  
Protection and Commerce  
Hawaii House of Representatives  
House Bill No. 1434  
February 15, 2022  
Page 2

to stop the work and imposed civil fines that are well over \$400,000. We have requested assistance from the Prosecutor's Office, which has declined to pursue charges without a criminal investigation being conducted. The DPP has filed a complaint with DCCA/RICO (contractor's license), and it has declined to pursue the complaint because the actions were taken on his own private property. Currently, we are having COR work on an injunction against the landowner and seeing if we can pursue a criminal investigation in support of prosecution. The DPP is also aware of an ongoing State Attorney General investigation that DPP is assisting, as needed. Having the ability to administratively foreclose would give us more control of the landowner to cease the illegal activities on his property.

Currently, the counties have legislative authority to use the non-judicial foreclosure process to collect on real property tax liens. The proposed legislation would extend this authority to the counties to use a similar process to collect on liens based on civil fines.

We respectfully request your support and approve this important legislation.

Thank you for this opportunity to testify.

Very truly yours,



Dean Uchida  
Director



STATE OF HAWAII  
OFFICE OF THE ASSISTANT REGISTRAR  
RECORDED

May 3, 2021 8:02 AM

Doc No(s) T - 11445242  
on Cert(s) 1185213  
Issuance of Cert(s)

Doc 1 of 1  
Pg 11740213 LAO

/s/ LESLIE T KOBATA  
ASSISTANT REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail ( ) Pickup ( )

City and County of Honolulu  
Department of Planning and Permitting  
Code Compliance Branch  
650 S. King Street, 8<sup>th</sup> Floor  
Honolulu, HI 96813

TMK: 5-4-004: 021-0000

CITY AND COUNTY OF HONOLULU  
DEPARTMENT OF PLANNING AND PERMITTING  
CERTIFICATE OF COUNTY CIVIL FINE LIEN

It is hereby certified that the following named violator(s) (is) (are) indebted to the City and County of Honolulu for assessed civil fines as shown below. By virtue thereof, said civil fines (including daily assessments until the violation(s) is corrected) constitute liens in favor of the County upon the following property and rights to property belong to said violator(s):


Name(s) of Violator(s): **Hopoate Hafoka Taufa and Annetta Kihesina Tuifua Taufa**  
Residence or Business Address: 55-483 Iosepa Street, Laie, Hawaii 96762  
EFFECTIVE DATE: March 1, 2021

Year Period	Fine	Daily Fine Rate Until Correction	Total
1/31/2020 to 03/01/2021	\$153,750	\$600	\$153,750
<b>Total</b>			<b>\$153,750</b>

Said civil fine assessed for violation of the ROH Chapter 14, Section 14-14.1(a), and Chapter 21, Section 21-3.50-4 and Tables 21-3 and 21-3.1, as liens affect all real property and interests in real property owned by Hopoate Hafoka Taufa and Annetta Kihesina Tuifua Taufa, including but not limited to:

Certificate(s) of Title No: 1,185,213 Document No.: T-10902187  
Tax Map Key / Lot 5-4-004: 021-0000 Street Address: No specific address  
Description: Lot D-1, as shown on Map No. 3, filed as L.C. Applic. No. 1266 of Ida Elizabeth von Holt

Dated: March 1, 2021

  
\_\_\_\_\_  
Dean Uchida, Director  
Department of Planning and Permitting  
City and County of Honolulu

**EXAMPLE #6 5,000 square feet lot with a \$15.8 million Fine for “overgrown weed”.**

The owner of this Kalihi property was a Hawaiian veteran with an amputated leg and suffering from cancer.

He first learnt of his fines with DPP when the photo of his property appeared on Star Advertiser. His helper asked DPP for help and was told that they could sign over their property to the city as a way to solve their fines problem.

When the news media reported this case, strangers and Hawaiian groups came to help him clean his yard. Under social media scrutiny, the city mitigated the fine with the owner.

- By [Ashley Mizuo](#) Honolulu Star-Advertiser
- Nov. 13, 2022

- CINDY ELLEN RUSSELL / [CRUSSELL@STARADVERTISER.COM](mailto:CRUSSELL@STARADVERTISER.COM)

The owners of 1581 Murphy St. in Kalihi have the highest amount in fines against their property — \$15.8 million. The Honolulu Star-Advertiser was unable to contact the owners.



- CINDY ELLEN RUSSELL / [CRUSSELL@STARADVERTISER.COM](mailto:CRUSSELL@STARADVERTISER.COM)

Compiled by CountryTalkStory.com

ChoonJamesHawaii@gmail.com

Edward Picard – In support

This is Edward Picard a resident of Lumiauau Street. I'm writing you in support of HB29 Bill to rid our neighborhood of property neglect, piling trash and unregistered broken vehicles. Please have something done about this problem. It is a nuisance and is unsightly for our community.

Sincerely,

Edward Picard,  
Resident of Lumiauau Street.

Leilani Alcover I support HB29

Property located across the street 94-1144 Lumiauau Street; Waipahu, has been violations and fines for many years. The property is infested with garbage, trash, cats, rodents, chickens birds and mongoose. Overgrowth of trees and soon they will be in contact with electrical wires that may be dangerous and could cause fires because also there are dead brown Hale Koa Trees too. They also overhang into the city and county sidewalk and the hedges is over 8 feet tall. A health hazard and fire hazard that must be addressed to owner and to the public. I'm sure there are other areas on Oahu that have this problem.

I hope Bill HB 29 passes this legislation session.

Aloha,

Leilani Alcover

Angelique Ryan – In support

I am in support of Bill HB29 for the property of 94-1144 Lumiauau Street. Due to health and sanitary reasons as well as the safety and hazardous conditions of this property in the community of Crestview, Waipahu.

The owner has neglected his home with continued trash and garbage piling up, with rodents and feral cats roaming in the neighborhood community, overgrowth of trees and plants covering electrical power lines and the safety health reason for this individual and his neighbors on Lumiauau Street.

We hope to resurrect some kind of plan with measure HB 29.

TO: Members of the Committee on Judiciary and Hawaiian Affairs

FROM: Natalie Iwasa  
808-395-3233

HEARING: 2 p.m. Wednesday, February 5, 2025

SUBJECT: HB29, HD1, Power of Sale for Counties - **OPPOSED**

Aloha Chair Tarnas and Committee Members,

Thank you for this opportunity to provide testimony on HB29, HD1, which would give counties the authority to sell private properties under certain circumstances.

It is my understanding we already have a process in place for foreclosures. It may take longer than the nonjudicial process envisioned by this bill, but it is more likely to provide for fair treatment to property owners. The city should not be allowed to bypass that process.

**Please vote “no” on HB29, HD1.**



## KILL HB29 HD1

**COUNTY WANTS POWER OF SALE  
TO SELL YOUR PROPERTY  
WITHOUT  
GOING TO COURT!!**

**CAN WE  
TRUST**  
the COUNTY  
GOVERNMENT  
to be the  
Police, Judge, Jury,  
& Executioner????

*Submit  
testimony  
here!*



**KILL TROJAN HORSE!  
NO to HB29 HD1**

Email NOW!  
[reps@capitol.hawaii.gov](mailto:reps@capitol.hawaii.gov)  
[sens@capitol.hawaii.gov](mailto:sens@capitol.hawaii.gov)

Aloha Senators and House Representatives:

We were just made aware of this bill.

Do we have to go through this unconstitutional assault on Private Property Rights each year?

Honolulu Mayor Rick Blangiardi pushed this during his first term. Do we have to remind Honolulu County that this is unconstitutional for the next four years?

Please give special attention to this attack on private property rights. Giving the Counties this Power of Sale is not only unconstitutional, it turns Hawaii into China.

What's happening to our islands of aloha where we help each other solve problems and look out for each other?

Don't allow the Counties to further weaponise against private property owners.

This Bill is a Trojan Horse. The language is now morphed into political buzzwords against "out of state" owners and so on to stir up passion.

The Counties have many options to address "nuisance" properties. Severe cases could include eminent domain which the city already has for those who cannot pay their property taxes. This new Power of Sale without going to court is burning down a cathedral to fry an egg.

We cannot have the long arm of the government further turn us into a communist state.

Mahalo,  
Choon James  
[ChoonJamesHawaii@gmail.com](mailto:ChoonJamesHawaii@gmail.com)  
8082939111



**KILL HB29 HD1**



**UNCONSTITUTIONAL**

RBG: "Fourteenth Amendment Protection against excessive punitive economic sanctions secured by the Clause is, to repeat, both "fundamental to our scheme of ordered liberty" and "deeply rooted in this Nation's history and tradition.

... those fines could be used to retaliate against political enemies and have been used as a source of revenue."

*The counties have many options to address "nuisance property"  
HB29 HD1 is burning our private property rights cathedral to fry an egg.*

**HB-29-HD-1**

Submitted on: 2/4/2025 3:06:23 PM

Testimony for JHA on 2/5/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Blaine De Ramos	Individual	Oppose	Written Testimony Only

Comments:

I oppose

**HB-29-HD-1**

Submitted on: 2/5/2025 5:51:31 AM

Testimony for JHA on 2/5/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Trisha Kehaulani Watson	Individual	Support	Written Testimony Only

Comments:

Mahalo for the opportunity to testify.

I am in strong support of this measure.

**HB-29-HD-1**

Submitted on: 2/5/2025 10:23:10 AM

Testimony for JHA on 2/5/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Verona Tuifua	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose Bill HB29. Instead of selling property that was fined by the DPP in the first place, why can't they make the permitting process easier and faster for property owners so that they are not taking un-permitted actions and then getting fined for it? That is a lot of power put into the DPP's hands.