LAW OFFICE OF
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ADMITTED TO PRACTICE
IN HAWAII

Via E-mail to dlnr@hawai.gov

October 8, 2020

Suzanne D. Case, Chairperson
Board of Land and Natural Resource
State of Hawaii – Land Division
Kalanimoku Building
1151 Punchbowl St.
Honolulu, HI 96813

RE: ITEM D-4; Enforcement of Sanitation Violation under Unencumbered Public Lands Rules, Hawaii Administrative Rules Chapter 13-221, and Section 171-6, Hawaii Revised Statutes, by The Trash Man, LLC, on State Lands at Mapunapuna, Honolulu, Oahu, Tax Map Key: (1) 1-1-064:006 ; Ref: 20OD-078

Dear Ms. Case:

I am writing on behalf of my client, The Trash Man, LLC ("TTM") regarding **ITEM D-4**, the Enforcement of Sanitation Violation under Unencumbered Public Lands Rules, Hawaii Administrative Rules Chapter 13-221, and Section 171-6, Hawaii Revised Statutes, by The Trash Man, LLC, on State Lands at Mapunapuna, Honolulu, Oahu, Tax Map Key: (1) 1-1-064:006

STATEMENT OF FACTS

On or about February 4, 2020, TTM was notified that a roll-off container containing rubbish was on DLNR land and had been cited on or about January 2, 2020. See Exhibit "1". The container in question was painted red, white and blue. These colors are unique and specific to TTM and no other containers on the island of Oahu maintain such colored markings. Upon notification by DLNR to remove said container, TTM was told it needed to immediately remove the container (within "24 Hours") and attempted to do so but was thwarted, as the container by this time was severely over-weight and needed to be off loaded in order to safely and legally be hauled away.

On February 6, 2020, TTM sent an email to Robert M. Medeiros of DLNR stating the following (See Exhibit "2"):

1. TTM attempted to pick up the overweight container and it is just too dangerous with the truck that it currently had available.
2. It would be in violation of DOT weight restrictions to attempt to move the container in its present condition.

3. TTM currently was in the process of repairing the truck that was damaged in attempting to move the overloaded container.
4. After speaking with a DNLR officer, TTM was informed that DLNR planned to have another roll-off container delivered to the site and offload the container, making two loads which are much lighter, safer and well within DOT legal limits to transport.
5. TTM was dismayed that this offloading option was not afforded to him as the DLNR officer indicated that the option to offload was made available to another hauler.
6. TTM indicated that they would agree to deliver a second container for the offloading of materials and be 'happy to pay for the services provided by the state to effect the offload.'
7. TTM stated that they wanted to further discuss this plan in greater detail to coordinate the logistics of the move.
8. TTM did attempt to contact Mr. Medeiros on February 5, 2020 to discuss said plan and left a voice mail which was not returned.

TTM also sent a text message to Mr. Medeiros's cell phone politely asking him to return the call. Mr. Medeiros provided an email address to TTM who promptly sent notice of its desire to offload and remove the container.

On February 11, 2020 at 8:51 a.m., TTM sent a text message to Mr. Medeiros that it had an empty container ready to be delivered to start the offload. Mr. Medeiros replied "***Don't do anything right now. Thanks"*** See Exhibit "1". In a subsequent telephone conversation with Mr. Medeiros, TTM was told that due to the Governor's proclamation regarding the COVID Pandemic, DLNR was shuttering its office and the TTM was to stand by and wait for DLNR to notify them regarding removal. TTM did not receive another communication from DLNR after February 11, 2020.

On Monday, August 3, 2020 at just before noon, TTM received a telephone call from a competitor, HTM Contractors, Inc., informing it that DLNR was requesting that they remove one of TTM's containers from the Mapunapuna lot. This was the first notice TTM had since DLNR told them the office was shuttered due to the pandemic. TTM asked HTM to provide him with the contact information from DLNR as HTM's point of contact was not Mr. Medeiros. HTM texted TTM with the point of contact for DNLR, being Barry W. Cheung at (808) 286-8905. See Exhibit "3".

On August 3, 2020 at 2:48 pm, TTM called Barry W. Cheung and told her that TTM and DNLR had an agreement in place to offload the containers with the assistance of DLNR's excavator and safely transport the containers off site. See Exhibit "4". TTM said the agreement was derived with Mr. Medeiros and asked where was Mr. Medeiros to validate the arrangement. Ms. Cheung, who stated she was taking notes, told TTM that Mr. Medeiros was in Las Vegas and that she needed to talk to her superiors and would get back to TTM. Ms. Cheung did inquire as to how soon TTM could arrange to remove the container. TTM assured Ms. Cheung that it could make

arrangements to do so by Friday, August 7, 2020. TTM just needed to arrange to rent the machine from Bacon Universal and provide another 20 yd container to offload.

TTM never heard back from DLNR or Ms. Cheung that week. On Friday, August 7, 2020 at 9:18 a.m., TTM called Ms. Cheung as he had not heard from her. See Exhibit "4". He followed up with a text message. See Exhibit "5". TTM indicated that he called and had been disconnect and "I am awaiting direction from you pertaining to the overweight rolloff container located in Mapunapuna. Please get back to me ASAP as I would very much like to move forward with the removal of the container." Id. Unbeknownst to TTM, DLNR already had a contractor remove the container that TTM was prepared to remove. DLNR's contractor removed the container on August 5, 2020 (according to their invoice), two days after TTM provided notice that TTM was prepared to perform removal of the container as agreed back in February with Mr. Medeiros. DLNR, ignoring both the agreed removal plan and proper statutory notice, had TTM's container removed by HTM.

On Monday August 17, 2020 at 1:51 p.m., TTM texted Ms. Cheung and stated "Just left a VM message on your cell phone asking for your email address and your bosses name and contact info. Please respond. Thank you." Id. Ms. Cheung, responded that "I sent an email to you attaching a letter from the department advising you what we did and what we plan to do next."

LEGAL REFERENCE

1. Haw. Rev. Stat. §171-31.5 Disposition of abandoned or seized property.
2. Estopple/Detrimental Reliance

ARGUMENT

1. DLNR failed to provide proper notice to TTM as required by statute.

DLNR is required to adhere to the statutory regulations regarding notice for abandon property. Haw. Rev. Stat. §171-31.5(b) Disposition of abandoned or seized property clearly states that the "department shall send notice by certified mail, at least thirty days prior to disposition of the abandoned or seized property, to the address of the owner of the property abandoned or seized if the owner is known or can be determined. The notice shall apprise the owner of the identity and location of the property abandoned or seized and of the intent of the department to sell, donate, or otherwise dispose of the property."

DLNR, in their charging memorandum dated October 9, 2020, glossed over the fact that they could have easily determined the ownership of the container on deemed abandoned. The containers on the island of Oahu are all color coded by ownership. It is well known that TTM's colors are red, white and blue. DLNR attempted to circumvent their clear statutory requirement to determine ownership by summarily posting notice on the container. The fallacy in this

position is clear in DNLR's own memorandum, which stated: "Subsequently, the maintenance crew became aware that the owner of the roll-offs was The Trash Man, LLC." DNLR Memorandum at pg.2, ¶2.

The minimum of at least thirty days prior written notice, via certified mail, before DNLR can sell or take abandon property is a safe guard for the owner to be able to reasonably recover their property. Haw. Rev. Stat. §171-31.5(c) goes on to state that "If the abandoned or seized property has an estimated value of $1,000 or more, the department shall also give public notice of the disposition at least once either statewide or in a publication of local circulation where the property was abandoned or seized;" No such public notice has been provided and DLNR is silent on the current location of TTM's container. Containers in Hawaii have a minimum value of at least $1,500.00 and cost in excess of $5,000.00 brand new.

2. **TTM relied on assurances made by DNLR to its detriment regarding the removal of the container.**

TTM had an agreement with DNLR via Mr. Medeiros to remove the container in a timely manner at TTM's expense. Even after the failure to provide proper notice, TTM was prepared and ready to remove and reclaim its container on February 11, 2020. Instead of authorizing TTM to go onto the property and remove its container, DLNR, via Mr. Medeiros, replied "*Don't do anything right now. Thanks"* See Exhibit "1". DLNR indicated to TTM that it was dealing with the shutdown of its office due to the proclamation issued by the governor due to the COVID pandemic and would get back to TTM once the shutdown restrictions were lifted.

To establish a claim for equitable estoppel under Hawaii law, one must demonstrate that 1) Defendants made a representation to Plaintiff, either through words or conduct, 2) Plaintiff relied to its detriment on Defendant's representation, and 3) Plaintiff's reliance was reasonable. *AIG Hawai'i Ins. Co., Inc. v. Smith*,78 Haw. 174, 891 P.2d 261, 266 (1995) (internal citations and quotation marks omitted); *see also State Farm Mut. Auto. Ins. Co. v. GTE Hawaiian Tel. Co.*,81 Haw. 235, 915 P.2d 1336, 1344-45 (1996) (reiterating the same test). When invoking equitable estoppel, a party must show that he or she has detrimentally relied on the representation or conduct of the person sought to be estopped, and that such reliance was reasonable. Id. It is clear that TTM was prepared and ready to remove its container on February 11, 2020. DLNR told TTM in no uncertain terms to not do anything right now. TTM, having no reason to doubt Mr. Medeiros's authority as an agent of DLNR, did so to its detriment.

More importantly, DLNR never got back to TTM to remove its container once the shutdown orders were lifted. TTM only found out that the container could be removed when HTM called because DLNR had engaged its services to remove a container that was clearly owned by TTM. At this point, TTM contacted the current DLNR representative, Barry Cheung, and explained again that TTM was ready to remove its container now that the shutdown order had been lifted and would do so. This was on August 3, 2020. TTM was once again told to wait and DLNR would get back to TTM. When TTM hadn't heard from DLNR, TTM again attempted to contact

them on August 7, 2020. It wasn't until August 17, 2020 that DLNR formally responded to TTM that the container had been removed and that TTM was now being sanctioned.

Generally, a claim for promissory estoppel may arise in certain situations where a promise has been made, even though without consideration, if it was intended that the promise be relied upon and was in fact relied upon, and a refusal to enforce it would be virtually to sanction the perpetration of fraud or result in other injustice. In re Herrick, 82 Hawai`i 329, 337, 922 P.2d 942, 950 (1996) (quotation omitted). Drawing from Restatement of Contracts § 90 (1979), the Hawaii Supreme Court has outlined the elements of a promissory estoppel claim to be a promise which the promisor should reasonably expect to induce action or forbearance on the part of the promisee or a third person and which does induce such action or forbearance is binding if injustice can be avoided only by enforcement of the promise. Ravelo v. County of Hawai`i, 66 Haw. 194, 200, 658 P.2d 883, 887 (1983). It is clear that TTM was induced into non-action (forebearance) by DLNR back in February 11, 2020 and again on August 3, 2020 and is suffering the injustice of said assurances. It is unconscionable that DLNR would now seek retribution in the amount of $27,267.51 after DLNR effectively told TTM to stand down on its plan to remove its container. Then DLNR turned around and had a third party do exactly what TTM was prepared to due on February 11, 2020. The "essence" of promissory estoppel is "detrimental reliance on a promise." Id. It is clear the TTM relied on the direction of DLNR's statement to not do anything right now.

RESPONSE TO RECOMMENDATIONS

1. No fine should be assessed to TTM who was prepared, after be notified, even if said notice failed to meet the statutory requirements imposed by DLNR, to remove the container from the site.

2. No rent should be assessed to property that, upon timely notice, TTM was prepared to remove. The only reason the container remained on the site was because DLNR told TTM to not take action to remove it. Further, under the current governmental proclamations, eviction of a tenant has been suspended. If DLNR is asserting landlord rights to receive rent, then it is thereby implicitly asserting a tenancy to which it is not allowed to take action upon under the current proclamations.

3. No reimbursement for expenses DLNR incurred after TTM provided notice that it was ready to perform the removal. Even the contractor DLNR engaged knew it was wrong for them to remove TTM's container when TTM could easily do it itself. When TTM again notified DLNR on August 3, 2020, DLNR should have stopped any third-party from acting on TTM's container.

4. Any attempt to assert administrative costs when DLNR ignored TTM's right to remove its own property fails as DLNR failed to provide proper notice per its statutory requirement. Further, the administrative costs are part of DLNR's current budget and no

overtime or otherwise 'additional costs' were incurred by DLNR than would already be budgeted for in the normal course of conducting their affairs.

5. DLNR's entire recommendation should be denied as being disingenuous for failing to adhere to their statutorily mandate procedures and zero charges are to be assessed against TTM. Further, TTM is owed the value of a replacement container by DLNR for improperly disposing of TTM's property.

This written response is respectfully submitted in compliance with instructions provided by Barry W. Cheung via email on Wednesday, September 23, 2020. If you have any questions or require further information, please contact me at (808) 696-2200.

Sincerely yours,

/s/ Thomas C. Zizzi

THOMAS C. ZIZZI

I, the undersigned, have read this document carefully, understand the contents herein and hereby attest to the contents therein:

THE TRASH MAN, LLC

/s/ John T. Guinan, Jr.	October 8, 2020
By: JOHN T. GUINAN, JR.	DATE
Its: Managing Member	

5:35

R

Robert@DNLR >

iMessage
Tue, Feb 4, 9:15 AM

Please give me a minute I'm in a meeting. I will call as soon as I'm out of here.

Wed, Feb 5, 8:41 AM

I will have the van picked up today

May I please have your email address?

Robert.m.medeiros@hawaii.gov

Thank you

Tue, Feb 11, 8:51 AM

Aloha Robert,
Please LMK when you would like to proceed. I have an empty container ready for delivery. Thank you very much sir.

Delivered

Don't do anything right now. Thanks

iMessage

EXHIBIT "1"

From: Admin Trashman <admin@trashmanhawaii.com>
Sent: Thursday, February 06, 2020 3:05 AM
To: Medeiros, Robert M <robert.m.medeiros@hawaii.gov>
Cc: Tom Zizzi Zizzi <tzizzi@leewardlegal.com>
Subject: [EXTERNAL] Fwd: Reminder - DO not use your trucks- No coverage

Robert,

I have attempted to pick up the overweight container and it is just to dangerous with the truck that I currently have available. Not to mention I would be in violation of DOT weight restrictions. As I had discussed with you in great detail we are in the process of repairing the exact truck that was damaged by this very overloaded container.

After speaking with your DNLR officer yesterday I was informed that you plan to have another rolloff container delivered to the site and offload my container thus making two loads which are much lighter, safer and well within DOT legal limits. I'm concerned as to why this option was not made available to me, yet it has been made available to another hauler? I would surely have agreed to deliver a second container for the offloading of materials and been happy to pay for the services provided by the state. I would greatly appreciate the opportunity to further discuss this item with you in greater detail. I did attempt to contact your officer later in the day yesterday, I left voice mail which was not returned as well as a text message to his cell phone politely asking him to return my call.

I have attached two emails from my insurance broker that are pertaining to my annual coverage renewal which takes place today (2-6-20). As you can see I must stand down today due to coverage issues that are well beyond my control. Needless to say I am NOT pleased to learn of this 24 hour "Downtime" that is being forced upon me. However I must comply for obvious reasons. I hope we can find a compromise that will allow us to work together as I truly do not wish to inconvenience you any further. Thank you for your patience and understanding in this matter.

Mahalo Nui loa

John T. Guinan Jr.

Begin forwarded message:

From: Renee Kaai <rkaai@monarch-hi.com>
Date: February 5, 2020 at 5:10:18 PM HST
To: "Admin@trashmanhawaii.com" <Admin@trashmanhawaii.com>
Subject: FW: Reminder - DO not use your trucks- No coverage

This is a reminder – further to my email below-

EXHIBIT "2"

The JUP rule requires payment by the 2/06/20 renewal date or coverage lapses until they receive payment- basically you can't use your trucks.

Should you run your truck during that period & there is an accident they will not renew your policy.

Should you have any questions or wish to discuss, please contact me.

Mahalo,

Renee

Renee Kaai
Commercial Account Manager
Monarch Insurance Services, Inc.
Office: (808)(441-3160) | Main: (808)537-2564 | Fax: (808)521-2832
Email: rkaai@monarch-hi.com | Website: Monarch Insurance Services, Inc.

From: Renee Kaai
Sent: Tuesday, February 04, 2020 11:45 AM
To: Admin@trashmanhawaii.com
Cc: admin@hawaiirentafence.net
Subject: Down payments for AFCO financing

Hawaii Rent A Fence - $1,070.70

The Trash Man - $1,373.69

Please have 2 checks issued both payable to Monarch Insurance Services.

Are you able to sign the AFCO contract I sent you through DocuSign for Trashman. It should be an online signature.

I'd like to get this to AFCO NOW- I don't know how long it will take to fund.

The JUP rule requires payment by the 2/06/20 renewal date or coverage lapses until they receive payment- basically you can't run your trucks. Should you run your truck during that period & there is an accident they will not renew your policy.

As we were bought by Acrisure- we no longer issue checks from here. Accounting functions are now processed out of the Acrisure accounting office in Michigan. Michigan would need to send payment to JUP- HI Joint Underwriting Plan.

Your other option is to pay half of the JUP premium- which is $5,088.50- payable to Hawaii Joint Underwriting Plan-see invoice(premium statement) attached.

Call me to discuss.

Should you have any questions or wish to discuss, please contact me.

Mahalo,

Renee

Renee Kaai |Commercial Account Manager | Office: (808) 441-3160
Main: (808) 537-2564 | Neighbor Islands: 1 (800) 923-8100 | F ax: (808) 521-2832
677 Ala Moana Blvd., Suite 500, Honolulu, Hawaii, 96813

Email: rkaai@monarch-hi.com | Website: Monarch Insurance Services, Inc.

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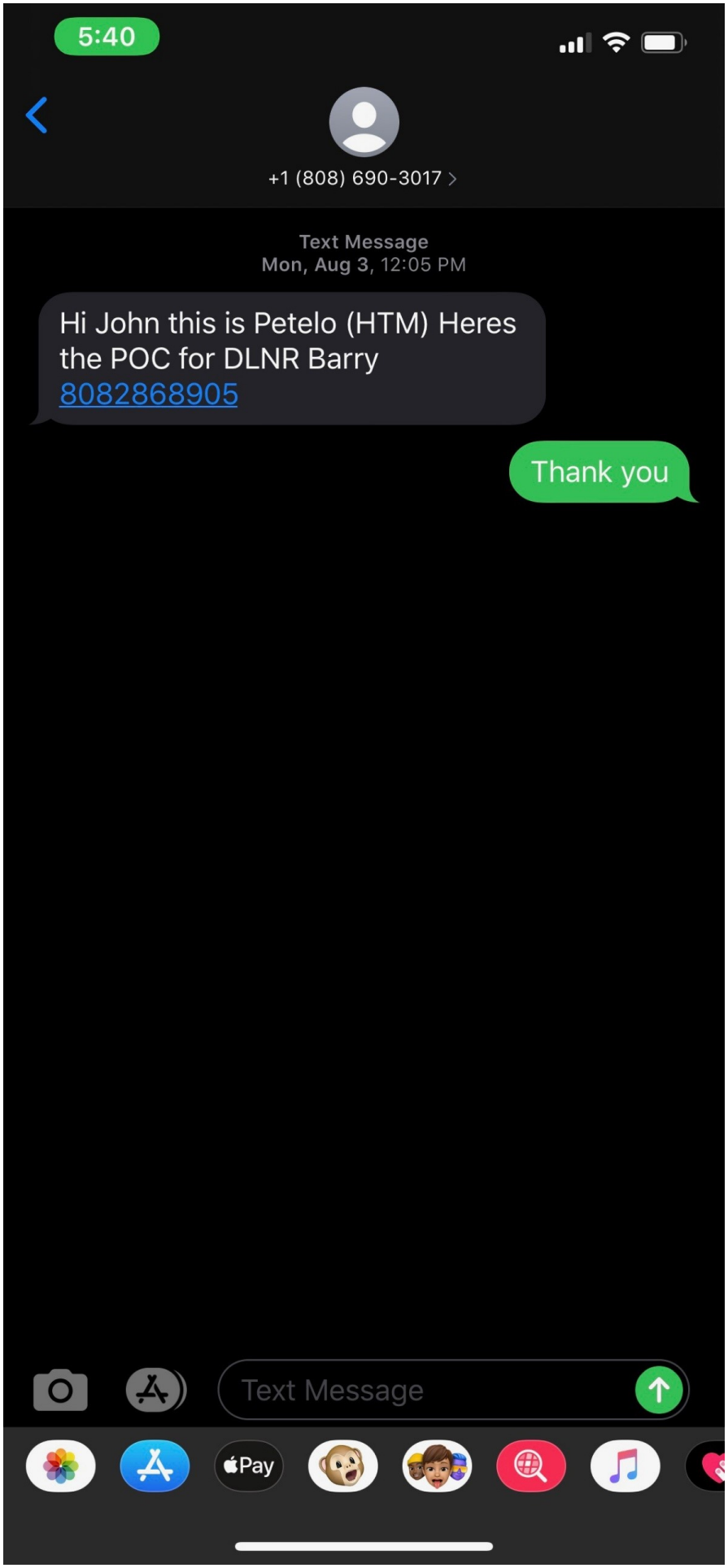
5:40
+1 (808) 690-3017
Text Message
Mon, Aug 3, 12:05 PM
Hi John this is Petelo (HTM) Heres the POC for DLNR Barry 8082868905
Thank you
Text Message

EXHIBIT "3"

Thomas Zizzi

Thomas Zizzi

Printed: Thu 10/8/2020 6:39 AM

From: Admin Trashman
Received: Wed 10/7/2020 9:57 PM
To: Thomas Zizzi
Cc:
Subject: Phone Records
File: The Trash Man LLC
Attachments: Jan 22 2020 Rob M phone log.png; Jan 24 2020 Rob M phone log.png; Feb 3 part 2 2020 Phone Log Robert M.pdf; Feb 3 2020 RM Part 1 phone record.png; Aug 3 2020 Barry Cheung phone log.png; Aug 7 2020 BC phone record.png

Please see attached

Home Tools T-Mobile

19 / 34 101%

Bookmarks

- Summary
- Summary by line
- Detailed Charges
- Tax Breakdown
- Usage details
- What you need to know
- Remittance slip

	9:36 AM	OUT	(833) 430-5511	1-833 #	-	9	-		10:35 PM	IN	(808) 382-7569	Incoming
	9:48 AM	OUT	(808) 368-1818	to Honolulu/HI	-	1	-	Jan 23	5:35 AM	OUT	(360) 225-6323	to Woodland/WA
	10:32 AM	IN	(808) 840-9003	Incoming	F	1	-		5:35 AM	OUT	(360) 225-6323	to Woodland/WA
	10:32 AM	IN	(808) 840-9003	Incoming	F	1	-		5:36 AM	OUT	(360) 225-6323	to Woodland/WA
	10:34 AM	IN	(808) 840-9003	Incoming	F	1	-		6:19 AM	OUT	(808) 479-2989	to Honolulu/HI
	10:57 AM	OUT	(808) 391-5022	to Aiea/HI	F	1	-		6:54 AM	OUT	(808) 679-9047	to Brbrsptnas/HI
	10:58 AM	OUT	(808) 382-7569	to Honolulu/HI	F	1	-		6:57 AM	OUT	(808) 391-5022	to Aiea/HI
	11:48 AM	IN	(833) 430-5510	Incoming	-	1	-		7:13 AM	OUT	(808) 239-7219	to Kahaluu/HI
	12:43 PM	OUT	(703) 894-8842	to Alexandria/VA	-	1	-		7:14 AM	OUT	(808) 852-8527	to Kalihi/HI
	12:46 PM	IN	(703) 894-8842	Incoming	-	1	-		7:31 AM	IN	(808) 391-5022	Incoming
	12:51 PM	IN	(703) 894-8842	Incoming	-	4	-		7:32 AM	IN	(808) 391-5022	Incoming
	1:33 PM	IN	(703) 894-8842	Incoming	-	6	-		7:33 AM	OUT	(808) 561-9304	to Aiea/HI
	2:02 PM	OUT	(808) 987-5782	to Hilo/HI	-	2	-		7:39 AM	OUT	(808) 368-1818	to Honolulu/HI
	2:23 PM	OUT	(808) 852-8527	to Kalihi/HI	-	1	-		7:40 AM	OUT	(808) 630-0842	to Mililani/HI
	2:25 PM	OUT	(808) 852-8527	to Kalihi/HI	-	1	-		7:57 AM	IN	(808) 679-9047	Incoming
	2:31 PM	IN	(808) 343-4036	Incoming	-	1	-		8:14 AM	IN	(800) 446-8848	Incoming
	2:34 PM	IN	(833) 430-5510	Incoming	-	1	-		8:18 AM	OUT	(808) 479-2989	to Honolulu/HI
	2:34 PM	OUT	(833) 430-5510	1-833 #	-	1	-		8:40 AM	IN	(808) 478-4706	Incoming
	2:52 PM	OUT	(808) 987-5782	to Hilo/HI	-	1	-		8:44 AM	OUT	(808) 479-2989	to Honolulu/HI
	3:03 PM	OUT	(808) 987-5782	to Hilo/HI	-	1	-		9:13 AM	IN	(703) 894-8842	Incoming
	3:10 PM	OUT	(808) 330-8319	to Honolulu/HI	-	2	-		9:21 AM	IN	(808) 888-7825	Incoming
	3:12 PM	OUT	(808) 987-5782	to Hilo/HI	-	2	-		9:40 AM	IN	(808) 679-9047	Incoming
	3:17 PM	OUT	(808) 682-4315	to Brbrsptnas/HI	-	4	-		9:43 AM	OUT	(808) 679-9047	to Brbrsptnas/HI
	3:34 PM	IN	(808) 479-2989	Incoming	F	3	-		9:44 AM	OUT	(808) 679-9047	to Brbrsptnas/HI
	3:36 PM	OUT	(808) 561-9304	to Aiea/HI	-	1	-		9:44 AM	OUT	(808) 679-9047	to Brbrsptnas/HI
	3:46 PM	OUT	(808) 479-2989	to Honolulu/HI	F	3	-		9:48 AM	OUT	(808) 923-5623	to Honolulu/HI
	4:22 PM	OUT	(703) 894-8842	to Alexandria/VA	-	1	-		10:22 AM	OUT	(808) 216-9218	to Honolulu/HI
	4:22 PM	OUT	(703) 894-8842	to Alexandria/VA	-	1	-		10:36 AM	OUT	(808) 294-2918	to Honolulu/HI
	4:26 PM	OUT	(808) 479-2989	to Honolulu/HI	F	2	-		10:49 AM	IN	(661) 917-4212	Incoming
	4:44 PM	IN	(703) 894-8842	Incoming	-	2	-		10:55 AM	OUT	(808) 216-9218	to Honolulu/HI
	5:03 PM	OUT	(808) 479-2989	to Honolulu/HI	F	1	-		11:21 AM	OUT	(703) 894-8842	to Alexandria/VA
	5:09 PM	IN	(703) 894-8842	Incoming	-	1	-		11:41 AM	OUT	(808) 384-7239	to Alekea/HI
	5:15 PM	IN	(808) 799-0174	Incoming	F	2	-		11:49 AM	OUT	(808) 372-8751	to Honolulu/HI
	5:17 PM	OUT	(808) 479-2989	to Honolulu/HI	F	1	-		11:52 AM	OUT	(801) 996-7473	to Midvale/UT
	5:51 PM	IN	(808) 294-9625	Incoming	W	2	-		11:55 AM	OUT	(808) 864-0429	to Honolulu/HI
	7:16 PM	OUT	(703) 894-8842	to Alexandria/VA	-	1	-		11:57 AM	IN	(808) 625-7180	Incoming
Jan 22	6:53 AM	IN	(808) 479-2989	Incoming	W	2	-		11:58 AM	OUT	(808) 625-7180	to Mililani/HI
	6:58 AM	OUT	(808) 479-2989	to Honolulu/HI	W	4	-		12:03 PM	IN	Blocked NBR	Incoming
	7:45 AM	OUT	(808) 479-2989	to Honolulu/HI	W	1	-		12:29 PM	IN	(808) 674-0013	Incoming
	7:53 AM	IN	(808) 382-7569	Incoming	W	1	-		12:38 PM	IN	(808) 864-0429	Incoming
	8:02 AM	OUT	(808) 679-9047	to Brbrsptnas/HI	W	2	-		12:41 PM	OUT	(808) 343-4036	to Honolulu/HI
	8:03 AM	OUT	(808) 479-2989	to Honolulu/HI	W	2	-		1:12 PM	IN	(808) 228-5553	Incoming
	8:16 AM	OUT	(808) 561-9304	to Aiea/HI	W	1	-		1:21 PM	IN	(808) 343-4036	Incoming
	8:20 AM	OUT	(808) 479-2989	to Honolulu/HI	W	5	-		1:25 PM	OUT	(808) 216-9218	to Honolulu/HI

EXHIBIT "4"

20 / 34 101%

Bookmarks

- Summary
- Summary by line
- Detailed Charges
- Tax Breakdown
- Usage details
- What you need to know
- Remittance slip

When		Who	Description	Type	Min	Cost
	1:44 PM	IN (808) 478-4978	Incoming	-	4	-
	1:50 PM	OUT (808) 343-4036	to Honolulu/HI	-	1	-
	1:52 PM	OUT (808) 679-9047	to Brbrsptnas/HI	-	3	-
	1:53 PM	IN Blocked NBR	Incoming	A	3	-
	1:55 PM	OUT (808) 679-9047	to Brbrsptnas/HI	-	1	-
	2:03 PM	OUT (808) 836-3616	to Honolulu/HI	-	1	-
	2:04 PM	OUT (808) 836-3616	to Honolulu/HI	-	3	-
	3:22 PM	IN (808) 696-2200	Incoming	W	22	-
	3:59 PM	OUT (808) 561-9304	to Aiea/HI	W	1	-
	4:39 PM	OUT (808) 548-7311	to Honolulu/HI	W	11	-
	6:26 PM	IN (808) 479-2989	Incoming	F	1	-
	6:27 PM	IN (808) 479-2989	Incoming	F	1	-
Jan 24	7:13 AM	IN (808) 382-7569	Incoming	F	2	-
	7:50 AM	OUT (808) 479-2989	to Honolulu/HI	F	11	-
	8:17 AM	OUT (360) 225-6323	to Woodland/WA	-	4	-
	8:20 AM	OUT (360) 225-6323	to Woodland/WA	-	2	-
	8:42 AM	OUT (808) 228-5553	to Honolulu/HI	-	3	-
	9:05 AM	IN (808) 864-0429	Incoming	-	3	-
	9:19 AM	OUT (808) 216-9218	to Honolulu/HI	-	1	-
	9:21 AM	OUT (808) 382-7569	to Honolulu/HI	F	1	-
	9:35 AM	IN (808) 294-2918	Incoming	-	2	-
	10:46 AM	IN (808) 429-1701	Incoming	F	1	-
	10:47 AM	IN (808) 429-1701	Incoming	F	1	-
	11:02 AM	OUT (808) 688-1777	to Royalkunia/HI	-	2	-
	11:15 AM	IN (208) 314-0466	Incoming	-	1	-
	11:18 AM	IN (808) 382-7569	Incoming	F	1	-
	11:25 AM	IN (808) 782-7653	Incoming	-	4	-
	11:41 AM	OUT (808) 342-7379	to Alekea/HI	-	1	-
	11:46 AM	IN (808) 694-6402	Incoming	-	2	-
	11:52 AM	IN (254) 272-2040	Incoming	-	1	-
	12:37 PM	OUT (808) 688-6916	to Royalkunia/HI	-	1	-
	12:40 PM	IN (808) 824-0043	Incoming	-	3	-
	1:18 PM	OUT (808) 371-2088	to Honolulu/HI	F	2	-
	2:36 PM	OUT (808) 306-6979	to Honolulu/HI	F	1	-
	2:36 PM	OUT (808) 371-2088	to Honolulu/HI	F	1	-
	2:53 PM	IN (808) 679-5189	Incoming	-	4	-
	2:56 PM	OUT (808) 429-1701	to Aiea/HI	F	1	-
	3:18 PM	OUT (808) 799-0174	to Honolulu/HI	F	1	-
	3:40 PM	OUT (808) 479-2989	to Honolulu/HI	F	1	-
	3:41 PM	OUT (808) 498-2119	to Hilo/HI	F	1	-
	3:42 PM	IN (808) 479-2989	Incoming	F	4	-
	3:51 PM	OUT (808) 498-2119	to Hilo/HI	F	2	-
	3:58 PM	OUT (808) 591-4900	to Kakaako/HI	-	4	-

When		Who	Description
	7:04 AM	OUT (808) 479-2989	to Honolulu/HI
	7:12 AM	OUT (808) 479-2989	to Honolulu/HI
	7:13 AM	OUT (808) 206-5946	to Honolulu/HI
	7:31 AM	OUT (972) 956-6247	to Lewisville/TX
	7:36 AM	IN (703) 894-8842	Incoming
	7:56 AM	IN (808) 479-2989	Incoming
	8:13 AM	IN (808) 829-0175	Incoming
	8:18 AM	IN (201) 383-8009	Incoming
	8:27 AM	OUT (808) 495-0000	to Wailuku/HI
	8:30 AM	IN (808) 594-7655	Incoming
	8:40 AM	IN (808) 294-2918	Incoming
	8:42 AM	OUT (808) 298-0167	to Maui/HI
	8:47 AM	OUT (808) 479-2989	to Honolulu/HI
	8:50 AM	IN (808) 330-1755	Incoming
	8:57 AM	OUT (808) 479-2989	to Honolulu/HI
	8:59 AM	IN (808) 294-6111	Incoming
	9:28 AM	IN (703) 894-8842	Incoming
	9:41 AM	OUT (703) 894-8842	to Alexandria/VA
	10:04 AM	IN (808) 220-8820	Incoming
	10:15 AM	IN (808) 679-9047	Incoming
	10:31 AM	OUT (808) 679-9047	to Brbrsptnas/HI
	10:33 AM	IN Blocked NBR	Incoming
	10:35 AM	OUT (972) 956-6247	to Lewisville/TX
	10:41 AM	IN (972) 956-6247	Incoming
	11:01 AM	OUT (808) 674-0700	to Ewa Beach/HI
	11:03 AM	OUT (808) 679-9047	to Brbrsptnas/HI
	11:15 AM	OUT (800) 227-4825	1-800 #
	11:38 AM	OUT (703) 894-8842	to Alexandria/VA
	11:40 AM	IN (808) 679-9047	Incoming
	11:41 AM	IN (314) 803-3318	Incoming
	11:55 AM	IN (703) 894-8842	Incoming
	11:58 AM	OUT (808) 220-8820	to Honolulu/HI
	12:47 PM	IN (808) 845-4986	Incoming
	1:13 PM	IN (808) 384-7239	Incoming
	1:25 PM	OUT (808) 668-4561	to Lualualei/HI
	1:30 PM	OUT (424) 200-3343	to Hawthorne/CA
	1:41 PM	OUT (808) 688-6916	to Royalkunia/HI
	1:54 PM	OUT (808) 679-9047	to Brbrsptnas/HI
	2:15 PM	IN (808) 679-9047	Incoming
	2:17 PM	OUT (808) 358-9190	to Honolulu/HI
	2:22 PM	IN (808) 358-9190	Incoming
	2:24 PM	IN (808) 358-9190	Incoming
	2:39 PM	IN (909) 727-7916	Incoming

Home Tools T-Mobile

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Bookmarks

- Summary
- Summary by line
- Detailed Charges
- Tax Breakdown
- Usage details
- What you need to know
- Remittance slip

When		Who	Description	Type	Min	Cost
	5:29 PM	IN (808) 679-9047	Incoming	-	3	-
	5:42 PM	IN (808) 479-2989	Incoming	F	1	-
	5:42 PM	OUT (808) 479-2989	to Honolulu/HI	F	1	-
	5:43 PM	OUT (808) 479-2989	to Honolulu/HI	F	4	-
	5:46 PM	OUT (808) 283-1991	to Wailuku/HI	-	3	-
	6:01 PM	IN (808) 498-2119	Incoming	F	1	-
	6:04 PM	IN (808) 679-9047	Incoming	-	2	-
	6:29 PM	IN (703) 894-8842	Incoming	-	1	-
	6:39 PM	OUT (703) 894-8842	to Alexandria/VA	-	10	-
Feb 01	8:12 AM	IN (303) 963-7200	Incoming	-	2	-
	9:24 AM	IN (808) 799-0174	Incoming	W	1	-
	10:12 AM	OUT (808) 946-1400	to Punahou/HI	W	1	-
	10:13 AM	OUT (808) 946-1400	to Punahou/HI	W	1	-
	10:14 AM	OUT (800) 951-8418	1-800 #	W	1	-
	10:16 AM	OUT (808) 784-2000	to Honolulu/HI	W	2	-
	10:57 AM	OUT (808) 537-4794	to Honolulu/HI	W	2	-
	10:58 AM	OUT (808) 397-1117	to Koko Head/HI	W	2	-
	6:45 PM	IN (703) 894-8842	Incoming	-	1	-
	6:57 PM	OUT (703) 894-8842	to Alexandria/VA	W	1	-
	7:51 PM	IN (703) 894-8842	Incoming	-	1	-
Feb 02	6:39 AM	OUT (501) 922-3502	to Jessievl/AR	-	17	-
	6:41 AM	IN (808) 397-1117	Incoming	A	1	-
	9:32 AM	OUT (703) 894-8842	to Alexandria/VA	-	1	-
	9:32 AM	OUT (703) 894-8842	to Alexandria/VA	-	2	-
	12:50 PM	IN (703) 894-8842	Incoming	-	5	-
	1:10 PM	OUT (703) 894-8842	to Alexandria/VA	-	1	-
	1:13 PM	IN (703) 894-8842	Incoming	-	1	-
	2:29 PM	IN (703) 894-8842	Incoming	W	1	-
Feb 03	6:09 AM	OUT (703) 894-8842	to Alexandria/VA	-	4	-
	6:34 AM	OUT (808) 284-0881	to Honolulu/HI	-	1	-
	6:56 AM	OUT (808) 206-5946	to Honolulu/HI	F	2	-
	6:57 AM	OUT (808) 391-5022	to Aiea/HI	F	1	-
	7:32 AM	OUT (703) 894-8842	to Alexandria/VA	-	2	-
	7:34 AM	OUT (808) 799-0174	to Honolulu/HI	F	1	-

When		Who	Description
	2:50 PM	IN (703) 894-8842	Incoming
	2:53 PM	OUT (808) 228-5553	to Honolulu/HI
	4:09 PM	OUT (808) 799-0174	to Honolulu/HI
	4:09 PM	OUT (808) 799-0174	to Honolulu/HI
	5:07 PM	OUT (808) 294-9625	to Honolulu/HI
	5:18 PM	OUT (703) 894-8842	to Alexandria/VA
	5:22 PM	OUT (808) 479-2989	to Honolulu/HI
	6:10 PM	OUT (808) 391-5022	to Aiea/HI
	6:27 PM	OUT (808) 391-5022	to Aiea/HI
	6:45 PM	OUT (314) 803-3318	to Kirkwood/MO
	6:53 PM	OUT (808) 291-3923	to Honolulu/HI
Feb 04	6:45 AM	OUT (808) 391-5022	to Aiea/HI
	6:48 AM	IN (808) 382-7569	Incoming
	7:12 AM	IN (808) 391-5022	Incoming
	7:25 AM	IN (808) 479-2989	Incoming
	8:03 AM	OUT (808) 479-2989	to Honolulu/HI
	8:20 AM	OUT (808) 799-0174	to Honolulu/HI
	8:25 AM	OUT (808) 479-2989	to Honolulu/HI
	8:50 AM	OUT (808) 947-9190	to Punahou/HI
	9:02 AM	OUT (808) 498-2119	to Hilo/HI
	9:07 AM	IN (808) 498-2119	Incoming
	9:12 AM	IN (808) 382-7569	Incoming
	9:19 AM	IN (808) 382-7569	Incoming
	9:37 AM	IN (808) 498-2119	Incoming
	10:12 AM	IN (808) 339-3969	Incoming
	10:51 AM	IN (602) 909-8534	Incoming
	11:10 AM	OUT (808) 441-3160	to Mililani/HI
	11:13 AM	OUT (808) 479-2989	to Honolulu/HI
	11:58 AM	OUT (808) 947-9190	to Punahou/HI
	11:58 AM	OUT (808) 728-1205	to Honolulu/HI
	12:08 PM	OUT (703) 894-8842	to Alexandria/VA
	12:09 PM	OUT (808) 441-3160	to Mililani/HI
	12:14 PM	IN (703) 894-8842	Incoming
	12:20 PM	IN (808) 780-3330	Incoming

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Bookmarks

- Summary
- Summary by line
- Detailed Charges
- Tax Breakdown
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- Remittance slip

	2:39 PM	OUT	(808) 595-6331	to Honolulu/HI	-	1	-
	7:13 PM	IN	(703) 894-8842	Incoming	-	2	-
	8:29 PM	OUT	(703) 894-8842	to Alexandria/VA	-	4	-
Aug 02	3:38 PM	OUT	(877) 825-3242	1-877 #	W	4	-
	5:29 PM	IN	(703) 894-8842	Incoming	W	7	-
Aug 03	6:52 AM	OUT	(808) 391-5022	to Aiea/HI	W	1	-
	10:03 AM	OUT	(808) 674-0700	to Ewa Beach/HI	W	4	-
	10:03 AM	IN	(314) 448-3778	Incoming	W	1	-
	11:16 AM	IN	(808) 226-6010	Incoming	-	1	-
	11:26 AM	OUT	(808) 674-0700	to Ewa Beach/HI	-	2	-
	11:54 AM	IN	(808) 690-3017	Incoming	F	4	-
	12:09 PM	OUT	(808) 796-4276	to Hilo/HI	F	1	-
	12:31 PM	IN	(808) 478-4706	Incoming	F	1	-
	12:39 PM	IN	(808) 478-4706	Incoming	F	2	-
	12:41 PM	IN	(808) 478-4706	Incoming	F	2	-
	12:58 PM	OUT	(870) 431-4311	to Lakeview/AR	-	2	-
	1:00 PM	OUT	(808) 342-9596	to Alekea/HI	F	6	-
	1:23 PM	IN	(808) 636-5651	Incoming	-	1	-
	1:42 PM	IN	(808) 754-7315	Incoming	-	5	-
	1:46 PM	OUT	(808) 636-5651	to Waialua/HI	-	2	-
	2:20 PM	OUT	(808) 479-2989	to Honolulu/HI	F	4	-
	2:32 PM	OUT	(808) 224-0997	to Honolulu/HI	-	3	-
	2:48 PM	OUT	(808) 286-8905	to Honolulu/HI	-	14	-
	3:03 PM	OUT	(808) 479-2989	to Honolulu/HI	F	4	-
	3:31 PM	OUT	(808) 342-7379	to Alekea/HI	-	16	-
	4:01 PM	OUT	(808) 674-0700	to Ewa Beach/HI	-	1	-

	7:54 PM	OUT	(703) 894-8842	to Alexandria/VA
	7:54 PM	OUT	(703) 894-8842	to Alexandria/VA
	7:54 PM	IN	(703) 894-8842	Incoming
	9:26 PM	OUT	(703) 894-8842	to Alexandria/VA
	9:26 PM	OUT	(703) 894-8842	to Alexandria/VA
	9:26 PM	OUT	(703) 894-8842	to Alexandria/VA
	9:26 PM	OUT	(808) 224-0997	to Honolulu/HI
Aug 05	6:30 AM	OUT	(808) 479-2989	to Honolulu/HI
	8:10 AM	OUT	(808) 479-2989	to Honolulu/HI
	8:17 AM	OUT	(855) 625-5285	1-855 #
	8:41 AM	OUT	(808) 391-5022	to Aiea/HI
	8:54 AM	IN	(808) 256-1881	Incoming
	9:26 AM	OUT	(870) 431-4311	to Lakeview/AR
	9:39 AM	IN	(808) 783-2072	Incoming
	10:24 AM	OUT	(808) 342-7379	to Alekea/HI
	10:37 AM	IN	(808) 848-1438	Incoming
	10:55 AM	OUT	(808) 291-8894	to Honolulu/HI
	11:11 AM	IN	(808) 722-4864	Incoming
	11:12 AM	OUT	(808) 291-8894	to Honolulu/HI
	11:17 AM	IN	(808) 291-8894	Incoming
	11:50 AM	OUT	(808) 341-5541	to Alekea/HI
	11:56 AM	OUT	(808) 228-1981	to Honolulu/HI
	12:04 PM	IN	(808) 260-0452	Incoming
	12:09 PM	IN	(808) 228-1981	Incoming
	12:10 PM	IN	(808) 228-1981	Incoming
	12:57 PM	OUT	(855) 625-5285	1-855 #

Bill period
Jul 10, 2020 - Aug 09,

...CONTINUED - (808) 479-8090 , TALK

When	Who	Description	Type	Min	Cost
	1:04 PM OUT (855) 625-5285	1-855 #		7	

...CONTINUED - (808) 479-8090 , TALK

When	Who	Description
	9:41 AM OUT (808) 283-1991	to Wailuku/HI

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Bookmarks

- Summary
- Summary by line
- Detailed Charges
- Tax Breakdown
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	3:38 PM	OUT	(808) 682-5895	to Brbrsptnas/HI	-	2	-
	3:39 PM	OUT	(808) 682-5895	to Brbrsptnas/HI	-	2	-
	3:41 PM	OUT	(808) 682-5895	to Brbrsptnas/HI	-	2	-
	3:43 PM	OUT	(808) 591-4900	to Kakaako/HI	-	3	-
	3:57 PM	OUT	(808) 321-1480	to Honolulu/HI	-	1	-
	4:07 PM	OUT	(808) 224-0997	to Honolulu/HI	-	1	-
	4:10 PM	IN	(808) 368-1786	Incoming	-	11	-
	5:00 PM	IN	(703) 894-8842	Incoming	-	3	-
	5:13 PM	IN	(808) 224-7245	Incoming	F	3	-
	6:09 PM	OUT	(808) 783-2072	to Aiea/HI	F	1	-
	6:40 PM	OUT	(808) 372-8751	to Honolulu/HI	-	1	-
	6:40 PM	IN	(808) 372-8751	Incoming	-	2	-
	6:59 PM	OUT	(808) 783-2072	to Aiea/HI	F	2	-
	7:55 PM	IN	(808) 330-5445	Incoming	F	88	-
	8:24 PM	IN	(703) 894-8842	Incoming	A	1	-
Aug 07	6:52 AM	OUT	(808) 479-2989	to Honolulu/HI	W	4	-
	7:45 AM	IN	(808) 479-2989	Incoming	F	1	-
	7:45 AM	OUT	(808) 479-2989	to Honolulu/HI	F	3	-
	8:05 AM	OUT	(562) 566-5050	to Picorivera/CA	-	1	-
	8:22 AM	IN	(562) 566-5050	Incoming	-	1	-
	8:45 AM	IN	(808) 591-4900	Incoming	-	2	-
	9:07 AM	OUT	(808) 864-8987	to Honolulu/HI	-	1	-
	9:18 AM	OUT	(808) 286-8905	to Honolulu/HI	-	2	-
	9:22 AM	IN	(808) 479-2989	Incoming	F	3	-
	9:33 AM	OUT	(808) 283-1991	to Wailuku/HI	-	1	-

	9:38 AM	OUT	(610) 931-5221	Upperdarby, PA
	9:38 AM	IN	(610) 931-5221	Upperdarby, PA
	11:00 AM	IN	2 2707	
	12:37 PM	OUT	(808) 206-5946	Honolulu, HI
	12:39 PM	IN	(808) 206-5946	Honolulu, HI
	12:42 PM	OUT	(808) 206-5946	Honolulu, HI
	12:42 PM	OUT	(808) 206-5946	Honolulu, HI
	1:57 PM	OUT	(808) 772-0473	Alakea, HI
	2:32 PM	IN	(808) 772-0473	Alakea, HI
	2:42 PM	OUT	(808) 772-0473	Alakea, HI
	2:51 PM	IN	(808) 772-0473	Alakea, HI
	2:54 PM	OUT	(808) 772-0473	Alakea, HI
	3:10 PM	IN	(808) 772-0473	Alakea, HI
	3:11 PM	OUT	(808) 772-0473	Alakea, HI
	6:06 PM	OUT	(808) 421-9554	Puuloai, HI
	6:07 PM	IN	(808) 421-9554	Puuloai, HI
	6:08 PM	IN	(808) 421-9554	Puuloai, HI
	6:08 PM	OUT	(808) 421-9554	Puuloai, HI
	6:12 PM	IN	(808) 421-9554	Puuloai, HI
	6:15 PM	IN	(808) 421-9554	Puuloai, HI
	7:00 PM	IN	(808) 421-9554	Puuloai, HI
	7:01 PM	OUT	(808) 421-9554	Puuloai, HI
	7:02 PM	IN	(808) 421-9554	Puuloai, HI
	7:02 PM	IN	(808) 421-9554	Puuloai, HI
	7:03 PM	OUT	(808) 421-9554	Puuloai, HI

Bill period
Jul 10, 2020 - Aug 09, 2

...CONTINUED - (808) 479-8090 , TEXT

When	Who	Destination	Type	Cost
	7:04 PM IN (808) 421-9554	Puuloai, HI	TXT	-
	7:08 PM IN (808) 421-9554	Puuloai, HI	TXT	-
Jul 11	10:28 AM OUT (310) 213-7361	Cmtn Grdn, CA	TXT	-

...CONTINUED - (808) 479-8090 , TEXT

When	Who	Destination
	5:01 PM IN 3 0890	
	5:02 PM IN 3 0890	
	5:02 PM IN 3 0890	

John T. Guinan, Jr.
President

96-1422 Waihona Pl.
Pearl City, HI 96782
O: 808-455-4500
C: 808-479-8090

5:53

B

Barry@DNLR >

Aloha Barry,
This is a John from The Trash Man. I just tried to call but the call got disconnected. As I have stated in our two previous conversations I am awaiting direction from you pertaining to the overweight rolloff container located in Māpunapuna. Please get back to me ASAP as I would very much like to move forward with the removal of that container.
Mahalo
John

Mon, Aug 17, 1:51 PM

Just left a VM message on your cell phone asking for your email address and your bosses name and contact info. Please respond.
Thank you
John

I was in meetings this morning. I sent an email to you attaching a letter from the department advising you what we did and what we plan to do next. You can check for my email address there. Also, you can send any email to DLNR.land@hawaii.gov where my boss will pick up the email.

iMessage

EXHIBIT "5"