

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

August 11, 2023

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

Oahu

Revocation of Revocable Permit No. S-7782, Antone Carrillo, Permittee, Lualualei, Waianae, Oahu, Tax Map Key: (1) 8-7-001:029.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Lualualei, Waianae, Oahu, identified as Tax Map Key: (1) 8-7-001:029, as shown on the attached map labeled **Exhibit A**.

AREA:

16,351 square feet, more or less.

ZONING:

State Land Use District:	Urban
City and County of Honolulu CZO:	R-5, Residential District

TRUST LAND STATUS:

Non-ceded. Acquired after August 1959.

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7782 issued to Antone Carrillo, single, as tenant in severalty, Permittee.

CHARACTER OF USE:

Residential purposes.

MONTHLY RENTAL:

\$825.33 per month, based on the current Board approved rental value for Revocable Permit No. S-7782.

EFFECTIVE REVOCATION DATE:

Five (5) calendar days after today's Board action. See Remarks section.

DCCA VERIFICATION:

Not applicable. Permittee is not operating a business and, as such is not required to register with DCCA.

REMARKS:

Mr. Carrillo previously held Revocable Permit S-7443 from March 3, 2009, to October 3, 2011 for residential purposes. Revocable Permit S-7782 was subsequently issued effective October 4, 2011, for the same purposes pursuant to the Board approval at its meeting of November 22, 2010, under agenda item D-1.¹

During the June 2021 inspection of the subject area (**EXHIBIT B**), staff observed two houses on the property with only the front house (identified as House 1 in the report) being occupied by Mr. Carrillo. During the inspection Mr. Carrillo indicate his plans were to demolish the 2nd house (identified as House 2), but he did not give a timeframe for the demolition.

In July 2022, Mr. Carrillo's son together with the son's wife, who live in the mainland came to our office and explained that Mr. Carrillo had recently been admitted into hospice care. There was no intention on their part to move back to the islands nor request to take over the revocable permit.

¹ The 2010 Board action was to update the relevant terms and conditions of many older revocable permits statewide, with no changes in the purposes or area.

Recently staff learned of Mr. Carrillo's passing on May 5, 2023, through his obituary. Mr. Carrillo's son, through email, confirmed his father's passing, added that Mr. Carrillo left no will and that the decedent's personal and sentimental items had already been removed from the property. There are no other people living on the premises. During a site inspection conducted June 30, 2023 (**EXHIBIT C**) it did not appear anyone was living on the property and the front door of the 1st house was secured with plywood. The work shed between the two houses appeared to have been rummaged through and the vegetation was overgrown. The two boats and shed at the back of the property observed during the 2021 site inspection remained on the property.

According to our records, the last rent payment received was April 17, 2023. In June 2023, Mr. Carrillo's son informed us that the April payment would be the last payment since Mr. Carrillo did not have much money and social security payments stopped after his passing.

As of May 31, 2023, the account is in arrears in the amount of \$158.83. Revocable Permit S-7782 provides at paragraph B.2 as follows:

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.

Therefore, because the rent is more than 10 calendar days delinquent, staff recommends revocation of the subject revocable permit upon five (5) calendar days' written notification. Upon approval of today's request, staff will proceed with the process of repossessing the premises, including securing the parcel to prohibit any trespassing

Condition 6 of the subject revocable permit states that "... in the event the Permittee shall fail to remove the improvements prior to the termination or revocation of this Permit or within an additional period the Board in its discretion may allow, the Board may, in its sole discretion, elect to retain the improvements or may remove the same and charge the cost of removal and storage, if any, to the Permittee." Staff will request Engineering Division's ("Engineering") assistance in assessing whether the structures on the property should be demolished or retained. Upon completion of this assessment, staff will work with Engineering on the recommended action in the best interest of the State.

The subject revocable permit requires the permittee to conduct a Phase 1 environmental site assessment (Phase 1 ESA) before any termination or revocation. The condition of the subject parcel will not be known to the staff until the State takes possession after revocation. Therefore, staff recommends the Board reserve the right of the State to conduct a Phase 1 ESA and refer to the Department of the Attorney General to pursue any claims against the estate of the decedent/permittee for all costs to be incurred by the State to include, but not limited to the Phase 1 ESA, if required, remediation, demolition of structures and other associated cleanup costs. Comments were solicited from Mr. Carrillo's son on June 28, 2023. At the time of the finalization of this submittal no comments were received.

In the meantime, staff has started to reach out to other governmental agencies to gauge interest in possible future utilization of the subject parcel. If appropriate, staff will bring any request for use of the parcel to the Board for consideration at a later date.

RECOMMENDATION: That the Board:

1. Authorize revocation of Revocable Permit No. S-7782 to Antone Carrillo effective five (5) calendar days from today's Board action, in the manner specified by law.
2. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit No. S-7782 to be applied to any past due amounts.
3. Reserve the right for the State to conduct Phase 1 environmental site assessment and refer to the Department of the Attorney General to pursue any claims against the estate of the decedent/permittee for all costs to be incurred by the State to include, but not limited to, the Phase I ESA, if required, remediation, demolition of structures and other associated cleanup costs, pursuant to the terms and conditions of Revocable Permit No. S-7782 at the cost of the estate of the former permittee.
4. Revoke Revocable Permit No. S-7782 and all rights of Permittee and all obligations of the State effective five (5) calendar days from today's Board action, provided that any and all obligations of the Permittee which have

5. accrued up to said effective date or which are stated in the permit to survive revocation shall endure past such revocation date until duly fulfilled and further provided that State reserves all rights and claims allowed by law.

Respectfully Submitted,



Patti E. Miyashiro
Land Agent

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson *RT*

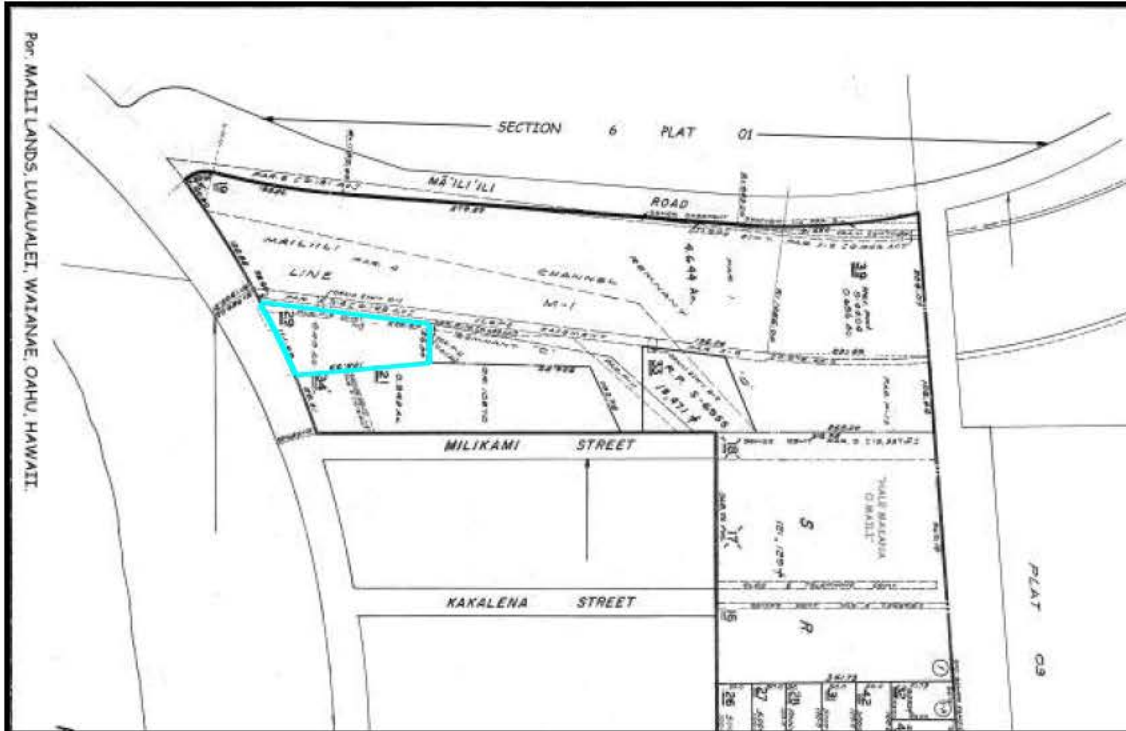


EXHIBIT A

State of Hawai'i
DLNR, Land Division

INSPECTION REPORT
Commercial/Industrial/Resort/Other Business

General Information

Document Number: GLS _____ or RPS 7782 Character of Use: Residential *RC*
Inspection Date: 6/30/21 Inspection Time: 11:45 Land Agent: Patti Miyashiro/Darlene BDBJ
LD Admin.: Russell Tsuji

TENANT INFORMATION

Name: Antone Carrillo Home Phone: _____
Address: [REDACTED] Business Phone: _____
Waianae, HI 96792-3160 Fax: _____
Contact Person: same Contact Phone: [REDACTED]

SITE INFORMATION

TMK: 187001029 Area: 0.4 acre
Site Address: _____

FISCAL INFORMATION

ITEM	N/A	CURRENT= COMPLIANCE	DEFAULT = NON-COMPLIANCE	COMMENTS
Rent		X \$825.33/mo		
Liability Insurance		X		
Fire Insurance		X		
Bond		X Cash deposit		

FIELD INSPECTION RESULTS (refer to Field Inspection Worksheet)

ITEM	N/A	COMPLIANCE	NONCOMPLIANCE	COMMENTS
Subleases	X			
Improvements		X		Two houses on lot. Front house is residence. Tenant stated he is intending to demolish the back house, no stated date.
Premises		X		
Character of Use		X		

RC
11/19/21

State of Hawai'i
DLNR, Land Division

Field Inspection Worksheet
Commercial/Industrial/Resort/Other Business

File Review

LICENSES/PERMITS/CONSENTS

ITEM	DLNR Approval Does in File			COMMENTS/NOTES/LISTS
	N/A	YES	NO	
Subletting	X			attach copy of list or map if applicable
Improvement Construction Buildings	X			Two house Structures existing on lot prior to current tenant. Files indicates structures were pre-existing under previous RP6691.
Improvement Construction Other structures/misc.	X			No new structures built under current tenant.

Field Inspection

ITEM	SATISFACTORY?			COMMENTS/NOTES
	N/A	YES	NO	
SUBLEASES				
Consents approved	X			
Use adheres to lease purpose	X			
IMPROVEMENTS				
Buildings/Residences: roof		X		
paint		X		
exterior		X		
interior	X			
Structures: roads	X			
walkways	X			
fencelines		X		
others				
PREMISES				
clean, sanitary, orderly		X		No hazardous materials seen. Grounds well kept. Two Large boats kept on property.
appropriate storage/use of hazardous materials	X			
CHARACTER OF USE				
adheres to lease purpose		X		
OTHER				

Photos:



House 1 fronting Farrington Hwy is occupied by tenant



Back of House 1



House 2 is not being used.



Tenant intends to demolish House 2



Two large boats parked on lot

State of Hawai'i
DLNR, Land Division

INSPECTION REPORT
Commercial/Industrial/Resort/Other Business
FINAL INSPECTION

General Information

Document Number: GLS _____ or RPS 7782 Character of Use Residential
Patti Miyashiro ~~Pat Miyashiro~~
Inspection Date: 6/19/23 Inspection Time: 10:15 a.m. Land Agent: Darlene Bryant-Takamatsu
Administrator: Russell Tsuji #C

TENANT INFORMATION

Name: Antone Carrillo Home Phone: _____
Address: _____ Business Phone: _____
_____ Fax: _____
Contact Person: _____ Contact Phone: _____

SITE INFORMATION

TMK: (1) 8-7-001:029 Area: 0.400 ac
Site Address: [REDACTED]

FISCAL INFORMATION

ITEM	N/A	CURRENT= COMPLIANCE	DEFAULT = NON-COMPLIANCE	COMMENTS
Rent				As of 7/1/23 = Delinquent \$1,809.49
Liability Insurance				Expires: 10/1/2023
Fire Insurance				Expires: 10/1/2023
Bond				Security Deposit: \$1,650.66

FIELD INSPECTION RESULTS (refer to Field Inspection Worksheet)

ITEM	N/A	COMPLIANCE	NONCOMPLIANCE	COMMENTS
Subleases	X			
Improvements				2 Residential Structures, Workshed, Storage Shed
Premises				Both residential structures appeared secured. 2 nd house structure did not look structurally safe (few yrs ago, Mr. Carrillo had indicated he has plans to demolish). Workshed open. Door to the storage shed in back of property was open. Two boats also in back of property.
Character of Use				
Phase I Environmental Site Assessment				

Handwritten signature/initials
7/15/23

State of Hawai'i
DLNR, Land Division

Field Inspection Worksheet
Commercial/Industrial/Resort/Other Business

File Review

LICENSES/PERMITS/CONSENTS

ITEM	DLNR Approval Docs in File			COMMENTS/NOTES/LISTS
	N/A	YES	NO	
Subletting				attach copy of list or map if applicable
Improvement Construction Buildings				note deadlines for % completion
Improvement Construction Other structures/misc.				note deadlines for % completion

Field Inspection

ITEM	SATISFACTORY?			COMMENTS/NOTES
	N/A	YES	NO	
SUBLEASES				
Consents approved	X			
Use adheres to lease purpose				
IMPROVEMENTS			X	Did not enter the structures on the property.
Buildings/Residences: roof			X	
paint			X	
exterior			X	
interior				
Structures: roads	X			
walkways	X			
fencelines		X		
others				
PREMISES			X	Property has been abandoned. After tenant was moved hospice care prior to his passing. Items in workshed were scattered both inside and outside.
clean, sanitary, orderly appropriate storage/use of hazardous materials				
CHARACTER OF USE adheres to lease purpose		X		

ITEM	SATISFACTORY?			COMMENTS/NOTES
	N/A	YES	NO	
Other:				Staff is working to repossess the property. Board submittal to cancel and take possession of the property has been drafted and under review



Figure 1: Middle structure (2nd house), 2 boats and shed in back of the property



Figure 2: Middle structure (2nd house)



Figure 3: Interior of workshop between the two houses



Figure 4: Access to beneath front house

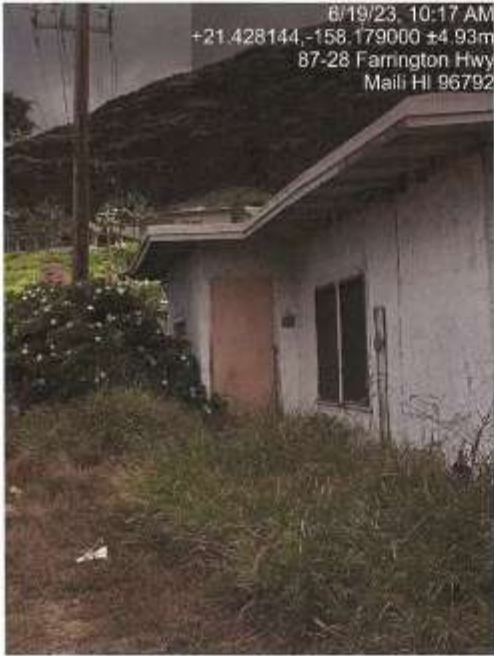


Figure 5: Front door to 1st house off Farrington Highway

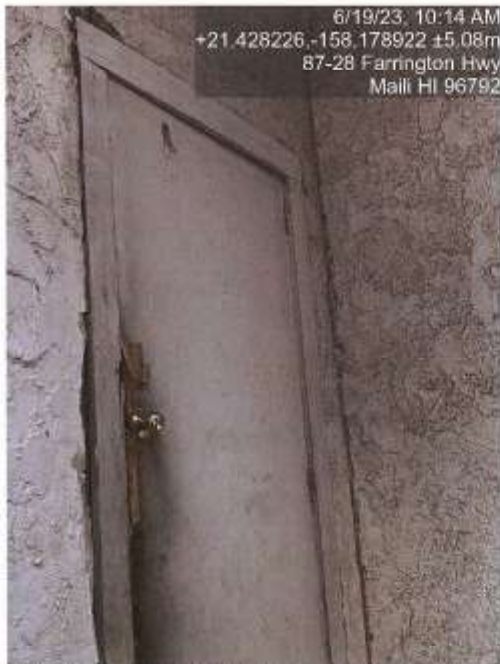


Figure 6: Backdoor of 1st House

Figure 6: Backdoor of 1st House