

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

June 14, 2024

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

Oahu

Cancellation of Revocable Permit No. S-7934, Jonathan K Kamaka, Jr.,
Permittee, Unit 204, Waipahu, Ewa, Oahu, Tax Map Key:
(1) 9-4-049:Portion of 062.

PURPOSE:

Cancellation of Revocable Permit No. S-7934, Jonathan K. Kamaka, Jr.,
Permittee.

LEGAL REFERENCE:

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

LOCATION:

94-143 Leokane Street, Unit 204, situated at Waipahu, Ewa, Oahu, identified by
Tax Map Key: (1) 9-4-049:062 (Portion), as shown on the attached map labeled
Exhibit A-1, A-2 and A-3.

LEASED AREA:

1,350 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Industrial and/or commercial uses permitted by City & County of Honolulu and Use
Ordinance, provided that residential uses shall not be permitted.

COMMENCEMENT DATE OF PERMIT:

Commenced on January 1, 2021.

MONTHLY RENTAL:

\$1,459.00.

REMARKS:

The subject unit previously was leased to Mr. Jonathan K. Kamaka, Sr. under Revocable Permit No. (RP) 7855 until December 2020 when Mr. Kamaka voluntarily surrendered the RP. Mr. Jonathan K. Kamaka, Jr. ("Kai") had requested to take over the space in late December 2020 and took possession of the unit effective January 1, 2021, indicating that the space would be used for a t-shirt operation and salon supplier business.

March 2021

At its meeting held March 12, 2021, under agenda item D-1, the Board of Land and Natural Resources ("Board"), approved the termination of RP 7855 and issuance of a RP to Kai. In our letter dated March 29, 2021, Kai was informed of the Board's action and that since he had indicated that occupancy started January 1, 2021, the revocable permit will be effective retroactively to January 1, 2021. At the time he was requested to remit a check for \$8,784.00 which represented the following:

Rent (January – April 2021, @\$1459.00 per month)	\$5,836.00
Security Deposit (two months' rent)	\$2,918.00
Document fee.	<u>\$ 30.00</u>
Total:	\$8,784.00

April 2021

During a site visit to the premises on April 1, 2021, Kai informed our office that he could not attend due to his work schedule with the Hawaii Stevedores and that his friend, Nichole, who is also owner of the Salon Supplier Business, would represent him on site. Prior to preparation of the revocable permit, Kai had indicated that the part of the space would be used to store products for his salon supplier business. During the site visit, a t-shirt printing machine, supplies and shelving with hair products were observed in the space. Soon after the site visit in the presence of Nichole, Kai emailed that he received our letter and would come to the office with the requested amount owed. However, he later indicated that he would not be able to come in since he was off island and had been sent to Kawaihae Harbor, Island of Hawaii, for several days and would come to the office when he returned

to Oahu.

May 2021

In May 2021, Kai requested an extension to pay the requested payment, since he had hoped that his divorce would have been finalized by this time. Kai expected that he could have full access to his funds to make the requested payment. However, final settlement in the divorce proceeding was contested by the other party. An extension was given but required an increase in amount owed to include rent for the May 2021 and June 2021, with a new total of \$11,702.00. Communication with Kai continued through the month of June.

August 2021

Staff was later informed by email dated August 31, 2021, from Nichole that on July 6, 2021, Kai was hospitalized for the last seven (7) weeks. Although Kai was released from the hospital in late August, he was still in recovery. Through Nichole, Kai had requested continuation of the RP and would pay half the amount owed by end of September and the balance paid by end of October. Until Kai returned back to health, she would be the point of contact.

September 2021

With the understanding that rent for the months of September and October would also be required, a partial payment of \$7,295.00 by personal check was made on September 15, 2021, which represented 50% of the rent due for the period January to October or \$14,590.00 and the remainder amount of \$7,325.00 [\$7,295.00 + \$30.00 (document fee)] would be paid by the end of the September. On November 10, 2021, the personal check was returned by the Bank of Hawaii through the Fiscal Office due to insufficient funds. Nichole was informed of the bounced check since it was her personal check. She indicated that at the time the funds were available but due to personal circumstances the funds were withdrawn without her knowledge. She was informed the \$25 service fee was added to the delinquency and any a replacement check will be accepted by cashier's check.

Staff was informed that on September 17, 2021, Kai's doctor had referred him to Los Angeles for medical treatment. While hospitalized in Los Angeles, he was referred to a specialist in Las Vegas for further treatment. On June 24, 2022, Nichole called and indicated that Kai would be returning home soon but would need to go to the Rehabilitation Hospital of the Pacific. She later confirmed that Kai had returned to the islands in late July 2022.

During this time Nichole had been attempting to access the necessary funds including applying for loans to pay the outstanding amount of \$26,317.00 (16 months' rent (January 2021 – April 2022), security deposit, service fee, and document fee).

Although Nichole had been sending rental payments by cashier's checks for May to August 2022, in early July 2022, she informed Staff that that she was making arrangements to pay the outstanding amount of \$26,317.00 by going to an alternative funding source. However, further communications thereafter became very sporadic as she indicated experiencing personal problems.

For the months of July and August 2022, staff sent approximately ten (10) text messages and voice messages to Nichole, who was the only contact on behalf of Kai at the time, regarding the status of payment of the delinquent account, request for written confirmation that the withdrawal of funds was approved as previously verbally indicated, and to conduct a site visit. Due to non-communication, staff is recommending the cancellation of the subject revocable permit.

October 2023

On October 25, 2023, a site visit was made to the Leokane property, since our attempts to schedule a site inspection of the permitted unit went unanswered, only the outside of the property was observed. Outside the unit staff observed a shelf storing items that appeared to be related to t-shirt printing.

March 2024

On March 18, 2024, staff had written to the tenant to immediately contact our office regarding the use of the premises. Copies were mailed and posted on the door of the premises at Leokane. During the visit, shelving was observed outside the unit door storing items (cardboard, screens, etc.) On April 9, 2024, Kai emailed this office apologizing for the delay in responding to the letter, expressing that he has been in and out of medical treatments for the last three (3) years and that only recently returned to work. Staff told Kai about this submittal and in his email dated April 9, 2024 (EXHIBIT B) he agreed to attend this meeting.

As of May 31, 2024, the outstanding amount owed is now \$56,956.00 which represents 41 months' rent (January 2021-May 2024), security deposit, service fee, and document fee, less the 4 months paid by Nichole on Kai's behalf in 2022.

Staff acknowledges the various health and personal challenges Kai has encountered in recent years. However, the State cannot ignore the continuing defaults under the RP. Extensions to pay the requested payments were granted and reminders were issued. Lack of proper responses from the Permittee and/or Nichole indicated that the requested termination of the subject RP is prudent and appropriate.

By email dated May 10, 2024, staff proposed to Kai that he sign a Promissory Note in favor of the Department in the principal amount of \$56,956.00, with interest at the rate of 10% per annum, to liquidate the existing debt under the RP. Staff

explained that if he were agreeable to signing a note, the Board could approve a payment plan over time. To date, Kai has not responded to the proposal.

RECOMMENDATION: That the Board:

1. Authorize the cancellation of Revocable Permit No. S-7934 in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit No. S-7934 to be applied to any past due amounts;
3. Terminate the permit and all rights of Permittee and all obligations of the Permittee effective as of June 14, 2024, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the lease to survive termination shall endure past such termination date until duly fulfilled, and further provided that Permittee reserves all other rights and claims allowed by law;
4. Authorize the Chairperson to issue a Notice to Vacate on the Permittee demanding their removal from the premises within 30 days of the Notice; and
5. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under Revocable Permit No. S-7934 and to pursue all other rights and remedies as appropriate, including, without limitation, filing a lawsuit and obtaining a judgment.

Respectfully Submitted,



Patti E. Miyashiro
Land Agent

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson

RT

KEM

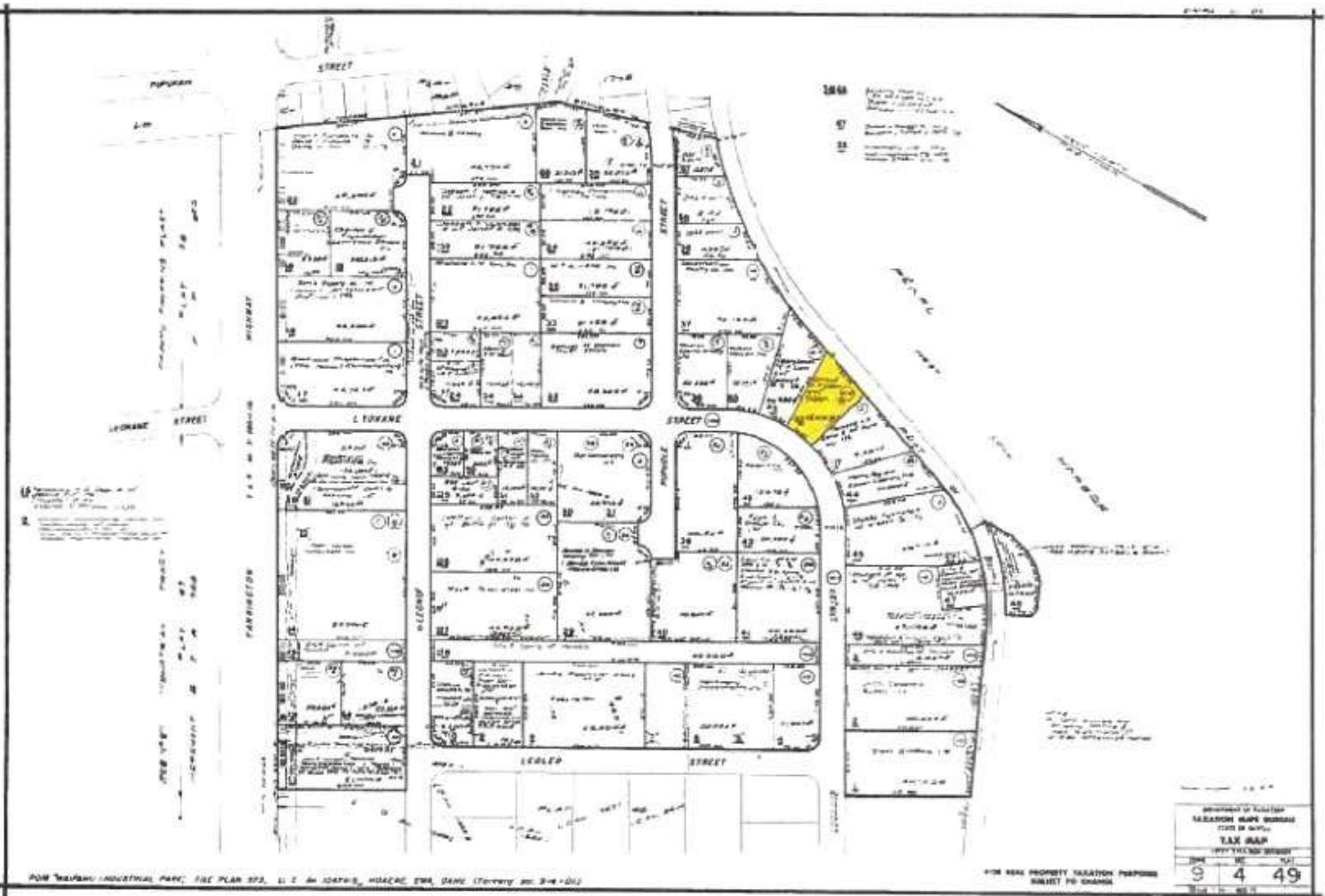


EXHIBIT A-1

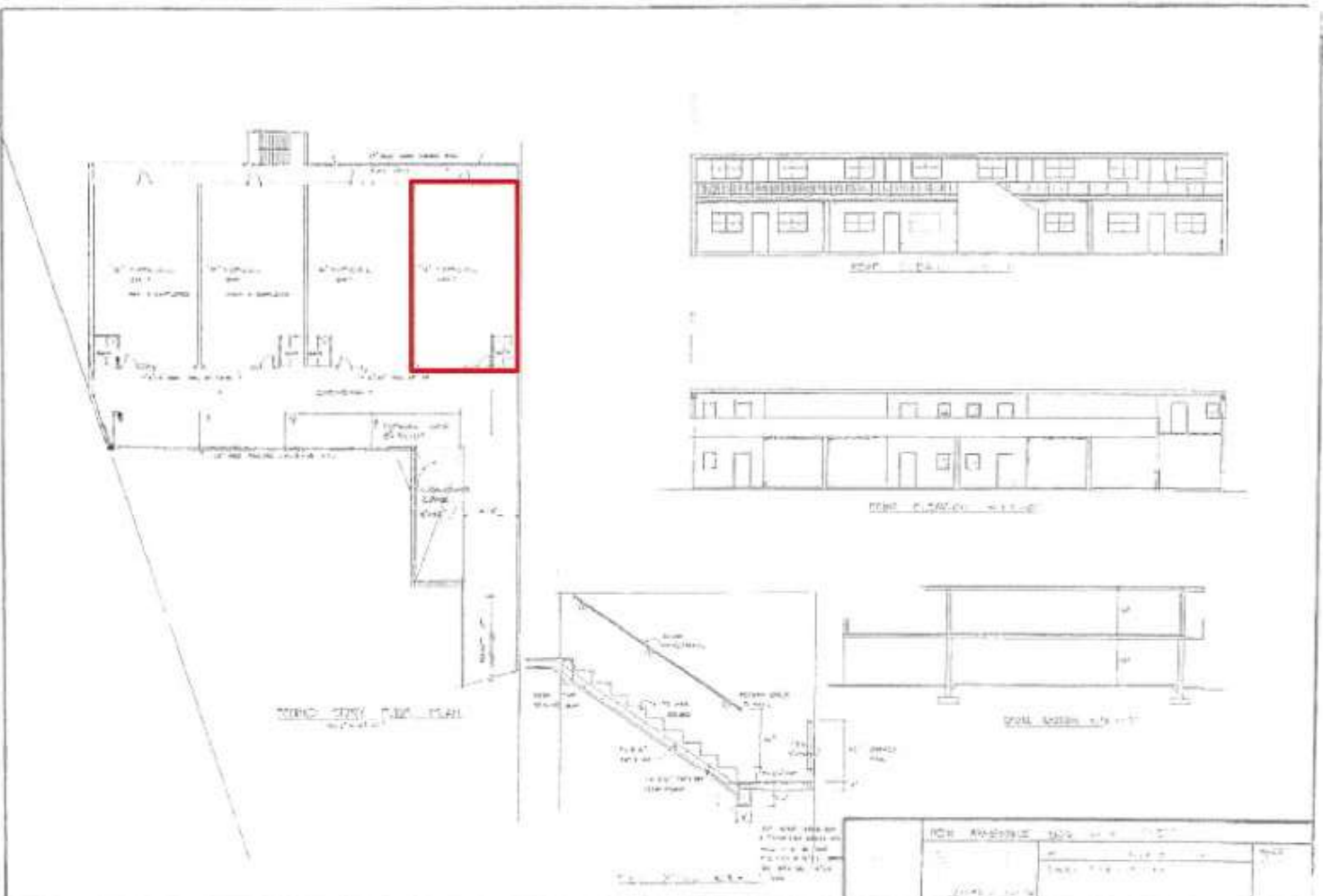


EXHIBIT A-2



EXTERIOR OF UNIT 204

EXHIBIT A-3

From: [Jonathan kamaka](#)
To: [Miyashiro, Patti E](#)
Cc: [Cheung, Barry W](#)
Subject: [EXTERNAL] Re: Leokane Unit
Date: Tuesday, April 9, 2024 6:58:38 PM

Ok Patti, yes I will attend the meeting. Please let me know.

Mahalo,
Kai Kamaka
Sent from my iPhone

> On Apr 9, 2024, at 4:38 PM, Miyashiro, Patti E <patti.miyashiro@hawaii.gov> wrote:

>

> Hi Kai,

>

> Thank you for responding to my letter dated March 18, 2024. Due to the amount owed and lack of communication I was in the process of preparing to go before the Board of Land and Natural Resources and recommend termination. Once the submittal is finalized and placed on the Land Board Meeting agenda. I will forward you a copy and the date of the meeting. It is important if you wish to continue occupancy that you attend the meeting to explain your reasons for wanting to be allowed to remain on the property.

>

> Patti

>

> -----Original Message-----

> From: Jonathan kamaka <[REDACTED]>

> Sent: Thursday, April 4, 2024 9:40 AM

> To: Miyashiro, Patti E <patti.miyashiro@hawaii.gov>

> Subject: [EXTERNAL] Leokane Unit

>

> Aloha Patti,

>

> Sorry for the late response I got your letter yesterday from my son who picked up at the post office the other day. Thank you guys for being so patient and understanding through this tough rough back to recovery. The last 3 years I've been in and out of treatments which effected a lot of areas of my body from Covid. Soon as one would get better it was something else. Last two months probably been the best of them all and I'm finally being able to return to work. From just last September til now I've had 29 doctors visits and 6 emergency room visits. It go so bad to where I had to file chapter 13 just to keep my house and stay afloat.

>

> As for the unit if anyway possible for us to get a Covid forbearance with an adjusted repayment plan we would still like to occupy the unit. We have been in that unit for 24 years total and it's really become a part of our family. Please let me know how we can work together to get through this.

>

>

> Mahalo,

> Jonathan K Kamaka Jr.

> Sent from my iPhone