

**From:** [Karen R Boyer](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Oppose J-7 in support of a 5 year contract for Secure Parking at Maalaea Harbor  
**Date:** Wednesday, June 12, 2024 12:36:32 PM

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Aloha Po'akolu Darlene and the DLNR - DOBOR members.

I oppose the continuation of the Parking Concession to Secure Parking at Maalaea Harbor for reasons cited in previous testimony; insufficient signage resulting in severe consequences (towing); nonfunctional kiosks for payment; NO evidence of successful payment; no remote option to extend parking; and overall poor customer services offered by Secure Parking.

These issues have been discussed in prior Board meetings and to my knowledge, no improvement has been made by Secure Parking.

I recently had the opportunity to park in a paid parking lot on O'ahu using Propark, and all factors cited above were functioning correctly. There were visible, legible and consistent signs; working kiosks; verification of payment with a paper receipt; and an option to extend time remotely.

I strongly encourage Secure Parking to consider using them as a model for improved services.

Thank you for allowing my testimony to be submitted.

Karen R. Boyer, RN  
O'ahu boater, paddler, and kama'aina

**From:** [Spence Erwin](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Oppose secure parking extension  
**Date:** Wednesday, June 12, 2024 2:39:33 PM

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1. Our business has taken bad reviews because of our clients being towed
2. The signage is non existent on the end section of the ocean side of the harbor
3. My crew has been towed
4. Their machines don't produce tickets, confusing patron
5. I've had clients walk off and cancel their trip in frustration bc the parking pay system is too difficult for some
6. Their Website and pay site are confusing and I spend a large part of my day answering questions and helping people pay,

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Captain Spence  
**Maui Snorkeling**  
c. 608-556-0024  
w. [mauisnorkeling.com](http://mauisnorkeling.com)

**From:** [John Fitzpatrick](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Please Deny Secure Parking Hawaii LLC. Permit  
**Date:** Wednesday, June 12, 2024 12:38:16 PM  
**Attachments:** [image.png](#)  
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[Screen Shot 2024-06-12 at 11.28.48 AM.png](#)  
[Screen Shot 2024-06-12 at 11.29.52 AM.png](#)  
[Screen Shot 2024-06-12 at 11.29.03 AM.png](#)  
[Screen Shot 2024-06-12 at 11.30.47 AM.png](#)  
[Fitzpatrick email to ledge.png](#)

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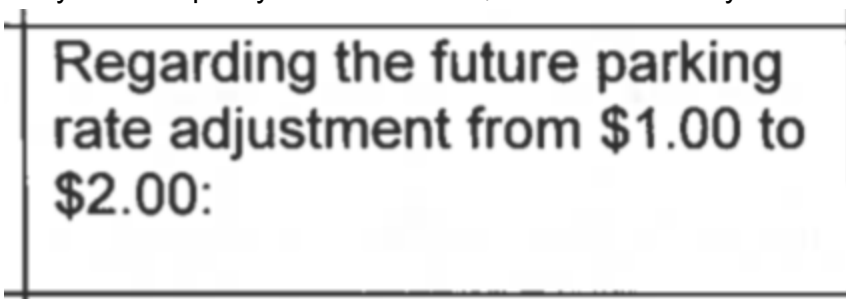
Aloha Chairperson and Members of the Board of Land and Natural Resources,

My name is John Fitzpatrick "Fitz" and I have been working in Ma'alaea as a crew and captain since 2005. I am writing again to ask that you reject proposal A, the 5 year contract extension with Secure Parking Hawaii LLC at Ma'alaea & Beach Country Towing at Ma'alaea small boat harbor because of their predatory practices of towing vehicles without ample notice and signage. Also reject proposal B which reduces the state revenue from 76% to 60%.

They have made it their business model to partner with a tow truck company, make signage unclear, not have any employees educating people who are parking, and tow people who make simple mistakes instead of writing them a ticket or giving them a warning.

They do not make money off of the proposed 24% portion they will receive in option A and 40% in option B. They make their \$330,000+ from towing 5-10 cars at \$220 per day instead of giving warnings or citations. Apparently on Oahu the tow fee is \$174 a day. Why is Maui so much more expensive?

I also oppose this measure because no where in the proposal do they talk about the \$90 monthly fee that they ask of every harbor employee as part of their "commercial permits". They also have not talked with our community yet about raising the parking from \$1 to \$2. They did not specify whether it was \$1 an hour or a day.



When I testified in person Mr. Underwood said we need this money to help monitor the

harbor so the homeless do not take over. If they can not give a simple citation, how are they suppose to be monitoring the harbor? In addition, there is a simpler way to raise the same amount of money that this contract is supposed to generate: Make parking free again and increase the Ma'alaea visitor impact fee by \$1 per person.

In addition, there should be a free Kama'aina rate that allows employees and fisherman to park at Ma'alaea for free. The parking company at the ocean center offers 5 hour kama'aina parking. This is too short for an employee because shifts are often 6-9 hours. They also have two people monitoring the parking lot and giving citations instead of just towing cars. I am not sure how a private company can give citations but DOBAR does not have the capacity to do the same.

Secure parking has done zero to reach out and engage our community to this point. I feel it is disingenuous for them to say "Since implementing such a change necessitates a comprehensive community engagement and awareness campaign, a process that can be resource-intensive." They have never consulted or engaged us at our harbor at Ma'alaea. They just said these are the rules.

Regarding the future parking rate adjustment from \$1.00 to \$2.00:
Since implementing such a change necessitates a comprehensive community engagement and awareness campaign, a process that can be resource-intensive
<b>Secure Parking Hawaii LLC recognizes this and is committed to managing this extensive outreach at no additional cost to the State.</b>

They create 0 jobs on Maui because they have no one helping visitors pay for parking in the morning. The boat employees that they are charging \$90 a month or \$2 an hour often have to help the guests pay for parking. I have sometimes paid for guests parking because they could not get the app to work on their phone.

This is my personal story why I oppose this contract so much:

I was towed after paying the secure parking fee through the parkwhiz app because I accidentally parked in the wrong spot. I feel they should have noticed I made a simple mistake and wrote a warning that I parked in the wrong area that was not designated a "reserved stall" before they decided to tow my vehicle. They have likely towed thousands of vehicles who made the same mistake.

I had to fight and plead with Ed Underwood to get the towing hearing (It was not until I emailed my legislators that Mr. Underwood said he would help me get a hearing, please see email chain). Then I had to call in sick from work to contest the case. We ended up settling it but Secure Parking said they would work with the people who work in the harbor to develop better permit fees and since my hearing they have not reached out to me or anyone in the harbor to get public input. They work in bad faith and pray on people's mistakes and that is why you should reject this 5 year contract.

In addition, I feel the commercial parking fee of \$90 is too high for employees to pay at the harbor for a parking permit. Companies can't buy 5 permits for their boats and share them with the employees who are working. Every single person in the harbor has to pay this fee monthly and it is roughly 10-20% of most employees monthly income. I asked the manager of Secure Parking to work with us to make this fee reasonable and he said he would during my hearing. But he has failed to reach out and work with us. This makes parking at Ma'alaea for employees a fiasco!

When I testified in person Mr. Underwood said they need to raise between \$250,000-\$1,000,000 in revenue from this contract. An alternative to paid parking would be to raise the harbor visitor impact fee by \$1 and you would end up with the same revenue, secure parking would not be making money by towing cars, harbor users could go on multiple day trips without their cars being towed, and people in the harbor would no longer be so stressed out by secure parkings criminal practices.

For all these reasons please reject the 5 year concession to secure parking Hawaii LLC and the proposed 1 year contract that reduces the state revenue from 76 to 60%. I also want to re-iterate that they make a majority of their money off of the \$220 tow fee and not the parking fees (Does the state get 76% of the tow fees?).

Mahalo,  
Fitz

Emails to Mr. Underwood asking for a hearing showing how hard it was to get a simple hearing.

Nov. 17, 2022

John Fitzpatrick <fitzformaul@gmail.com>  
to ed.r.underwood

Nov 17, 2022, 10:25 AM ☆ ☺ ↶ ⋮

Aloha Mr. Underwood,

My name is John Fitzpatrick and my license plate is PV76Z. I was towed from Maalaea Sunday morning because I accidentally parked in the newly established "permit" zone because I did not know the difference. I paid for parking with ParkWhiz for the 7 hours that I would be captaining Paragon last Sunday. I thought the code in front of my car just did not work because there is no big bright announcement that if you park in this area but are paying by the hour that you would be towed on the website. So I hit up the code across the street and paid for parking thinking it was the right thing to do. I also don't like parking across the street because the wind blows doors open and dings cars. In addition, When waves are large your car gets wrecked and drowns in salt water.

It was a simple mistake that could have been addressed with a simple note/warning saying to not make this mistake again. Instead the company chose to tow my car and four other cars Sunday that made the same simple mistake.

Furthermore I think they are targeting rental cars because my car was a former rental car. The trucks parked near me did not get towed. My crew for the day was parked 10 stalls away in a truck and paid hourly but didn't get towed. When I was telling this story to another captain he said he's been parking in the permit section too and has not been getting towed.

I am asking that you please refund the \$220 that I had to pay to get my car out of the impound lot because I don't think someone that tried to do the right thing and actually paid the parking should be penalized \$220 for making a simple mistake.

I hope you work with ParkWhiz to make the signage more clear so visitors are no longer towed daily. For a tow truck company to see you paid on the app but make someone makes a simple mistake to tow your car is just wrong and greedy in my view. This is not the Aloha spirit and just is simply not right.

Mahalo for your consideration in refunding the impound fee,

Fitz

John Fitzpatrick  
Paragon Captain  
Calyoso Captain  
7th grade science teacher at Maui Waena

Captain in Maalaea for nearly 17 years.

## Followup Email Dec. 3

John Fitzpatrick <fitzformaul@gmail.com>  
to ed.r.underwood

Dec 3, 2022, 8:30 AM ☆ ☺ ↶ ⋮

Aloha Mr. Underwood,

I am writing to see if you got my first email and when I can expect a hearing or a refund of the \$220 dollars. I was talking to another captain yesterday and they did the same thing to two tourists just yesterday. This is a problem you need to fix ASAP. This is not the aloha spirit and is not pono.

Mahalo,  
Fitz

John Fitzpatrick  
*Fitz For Maui*  
email: [fitzformaul@gmail.com](mailto:fitzformaul@gmail.com)  
phone: 808-268-1073  
85 Mokuahi St.  
Makawao,  
HI, 96768

## Reply from Mr. Underwood Denying my Request Dec. 5

 Underwood, Ed R <ed.r.underwood@hawaii.gov>  
to me

Dec 5, 2022, 11:57 AM ☆ ☺ ↶ ⋮

Aloha Mr. Fitzpatrick,

We reached out to our parking vendor and they informed me that they spoke with you on November 14, 2022 and informed you that it was a legitimate tow because you parked contrary to signage. They informed me that you did not ask for a post tow hearing and your vehicle was towed according to the signage in place. At this time, the parking vendor will not refund for the tow fee because it was done according to signage.

Thank you,

Edward R. Underwood, Administrator  
Department of Land and Natural Resources  
Division of Boating and Ocean Recreation  
4 Sand Island Access Road #4  
Honolulu, Hawaii 96819  
(808) 586-9314

## Email reply to Mr. Underwood Denial Dec 5

John Fitzpatrick <fitzformaul@gmail.com>  
to Ed ▾

Dec 5, 2022, 2:05 PM ☆ 📧 ↶ ⋮

Aloha Mr. Underwood,

I did send the email to you within 5 business days asking for the post tow hearing. The image attached in this email says to ask for the post tow hearing either by mail or by emailing you. I emailed you asking for the hearing. If you could please schedule me a hearing that would be great.

In addition, I stand by everything I have said in my original email. This tow truck company is criminal in towing vehicles daily that are parked in the same area because the signage is so messed up. A note on the vehicle when you legitimately try to pay for parking would suffice. I paid my seven dollars for parking, made a simple mistake, and am being charged \$220. This is not the Hawaii that I grew up in.

If you could schedule me the post tow hearing that would be wonderful.

Mahalo,  
Fitz

John Fitzpatrick  
Fitz For Maui  
email: [fitzformaul@gmail.com](mailto:fitzformaul@gmail.com)  
phone: 808-268-1073  
85 Mokuahi St.  
Makawao,  
Hi, 96768

## Email to My legislators Ccing Paul Sensano and Mr. Underwood

John Fitzpatrick <fitzformaul@gmail.com>  
to paul.sensano@hawaii.gov, Ed, sornichakley, repcochran, repyamaHita, repamato ▾

Dec 29, 2022, 11:05 AM ☆ 📧 ↶ ⋮

Aloha State Senator Angus Mckaleky, Representative Yamashita, Representative Cochran, Representative Amato, DOBAR Administrator Ed Underwood, and **Makawao** Harbor Master Paul Sensano;

My name is John Fitzpatrick "Fitz" and I have been a captain in **Makawao** for 17 years. I am currently a 7th grade science teacher and work Thursdays, Fridays, and on the weekends on Calypso and Paragon II so I can afford to be a teacher here on Maui.

 image.png

**This image is of the water pipe that has been broken for the past 10 days and has not been fixed yet. Maybe the money from being towed can go to actually fixing stuff?**

I am writing because the **parking** situation in the harbor is unjust, confusing, and criminal. So many of my friends and myself now have been towed because we **parked** in the wrong spot. \$90 for a "commercial permit" for someone that makes \$1200 a month is an insane tax to have to pay in order to go to work. At the moment, companies can't buy 7 of them that their employees can put in their cars while at work so they do not get towed. The **parking** lot at the ocean center has free Kamalani **parking** and I think you should consider offering that to employees of **Makawao** harbor. If we are teaching our guests how to **park**, we should not have to pay for **parking**.

My personal story among many is on November 13th I **parked** and hit the 1st QR code that takes you to a website (it does not say if you are planning on **parking** by the hour you will be towed) and you think the thing is broken because of the website. So I walked across the street and hit that QR code and paid my \$7 for the day. I honestly thought I paid for my permit for the day. When I got back my car was towed because I was in the "permit section" and not right next to it in the undesignated "whatever you call it section" because there are no signs. Attached is a video to show you how confusing it is. My crew that day was luckily **parked** 15 stalls away so he was not towed.



One of the Jeeps **parked** in the same spot I was on Christmas Day that would have been towed if I didn't inform them. No one is there to prevent people from making the mistake, they just tow them while they are on a trip.

I feel it is unjust and immoral for you to allow ParkWhiz and Beachcountry Towing to tow people and charge them a \$220 fee when a simple note as we transition to this new **parking** situation would have sufficed. In addition, if I am confused after working in the harbor for 17 years, what do you think a tourist is who just got there that morning. I asked the **parking** guy how many cars were towed last Sunday for this and he said there were 4 cars towed on November 13th alone. On Christmas morning I saved two people from being towed because they were about to make the same mistake as me.

If towing cars is how we are paying for harbor improvements to our grossly abused harbor then I think we need to find alternative funding mechanisms. Where does the money go that all the commercial vessels pay to take people out daily? Why are the docks breaking off on the docks and not fixed? Why are the bathrooms filthy and closed locked early in the mornings and on weekends when people need them the most? What do we actually get for the **parking** money?

 IMG\_1800.MOV

I think it is time to have a meeting with all the stakeholders of **Makawao** harbor in order to make better decisions for our harbor and how we get harbor improvements. What is happening now is criminal and needs to be fixed. Towing cars that pay for **parking** and **park** in the wrong spot due to poor signage is not acceptable and does not represent the Aloha spirit. This problem was brought up with Ed Underwood over a month ago and he thinks the signage and website are sufficient, yet cars are being towed for the same mistake I made every day.

Thank you for your time and consideration on this matter.

Mahalo,  
Fitz

## Previous Jan 24th Testimony:

Aloha BLNR Chairperson Dawn Chang and Members of the Board of Land and Natural Resources:

Please vote to oppose any contracts with Secure Parking LLC past June 30, 2024 deadline.

I am adamantly against giving Secure Parking LLC and their partnered tow truck companies a contract renewal because their practices are predatory and down right criminal. They do not issue citations, they do not issue warnings, they just tow your car or the cars of the passengers simply trying to park in order to have a good time.

**Not only do I think you should not give them a contract renewal, I think you should demand them have to refund everyone's tow bills who were unlawfully towed because of their predatory practices.**

**Parking citations should be issued for minor parking violations such a**

## **non-payment, which is usually due to a simple meter overstay.**

Our story here at Ma‘alaea Small Boat harbor is similar to that of the Alawai, where Secure Parking and their subcontracted tow company plucks peoples cars so they can make hundreds of thousands of dollars from kamaaina and visitors who are trying to access surfing spots and the shoreline.

I am a teacher and work as a captain on the weekends out of Ma‘alaea in order to make a living wage. I actually paid for parking through Secure Parking App but because I parked in the "permit" parking area I got towed. A logical person would think, "they paid for parking but made a mistake." But the towtruck company had no compassion, empathy, or logic. They towed my car from an area that was not marked "reserved" like their app suggests. As a teacher it is hard to loose \$215 because of a simple mistake that could have been solved with a little note saying "Brah you parked in the wrong spot. Next time we will tow you." But instead these criminals make their living on praying on visitors, crew, and captains that make simple mistakes.

I had to write an email to Ed Underwood in order to try to dispute the towing charge. But because I just asked for help and did not use the correct wording he ignored my emails until I emailed my Representatives and Senators. I eventually had a hearing several months later on a school day. I had to call in sick so I could attend the hearing via zoom. My students did not have a teacher or even a substitute in their classroom because of the teacher shortage. The negative ripple effect Secure Parking and their subcontracted towers is vast.

I have countless friends who have also had similar situations in the harbor. What they do and practice is criminal.

Please reject any further contracts with Secure Parking or anyone associated with them. I do not see any of the money coming back to our harbors. The bathrooms are a disaster, water mains are broken, cleats are broken off, and the docks flood out every king tide.

Attached is the evidence I prepared for my hearing. I hope it gives you a glimpse of their predatory practices. I am just one of thousands.

**Secure parking shows no ALOHA and therefore they do not belong doing business in the state of Hawai‘i.**

Mahalo,  
Fitz

P.S. In this case the government has ceded its authority to Secure Parking LLC which has then turned over the entire operation of ‘enforcement’ to the tow company which has a conflict of interest in that it is acting as judge and jury.

Yet, at Ma‘alaea Harbor on Maui, vehicles are being towed away for minor parking violations on a daily basis. Maui residents estimate about five vehicles a day.



An appropriate fine would be a \$35.00 citation which is similar to parking tickets for non-payment for public parking such as City and County parking stalls.

The State and the parking company could earn revenue from the fines paid. Currently, the State Harbors do not make any money from the towing. Since no citations are written on a day-to-day basis, for the parking violations, the State does not earn money from citations either. If citations were issued both the parking company and State would make money from the citations.

So the only group profiting from the DLNR towing policy is the tow company, is 'Beach Country Towing'.

The Secure parking company makes the tows possible by sharing electronic information about the meters with the Tow Truck drivers.

You, as a Board Member, are in position to END INSTANT TOWING.

Board members please demand that the Department of Land and Natural Resources solve this problem of towing, before issuing any more parking management contracts. Obtain the towing records. Read the towing stories, see how this affects the public.

The Department says only DOCARE officers can issue parking citations, and even though we see the DOCARE officers visiting Ma'alaea Harbor, we never see them issuing parking citations.

The public, including tourists, should not have their cars towed for simple mistakes like non-payment (forgetting to pay), or not using the pay machine correctly, or paying but overstaying the time they paid for.

**The tow-truck driver is physically stationed at this harbor and checks the license plate numbers, which means the towing company is working too closely with Secure Parking LLC.**

Once the tow truck driver has verified the paid meter time is overdue, as shown on the 'phone app' type software, the vehicle is immediately towed away. This is not PONO.

The current practice only benefits those making a profit from towing.

BLNR members need to do something about this, and it starts with the Land Board members acting as consumer protection advocates and taking a closer look at the daily responsibilities of the parking management company and the policies and contracts submitted by the Division of Boating and Ocean Recreation.

Secure Parking does not supply a parking attendant to give instructions, or check the vehicle license plates, or manage the violations by giving citations. Secure Parking has simply turned over the pay station information, including the meter overstay information to the tow truck drivers directly.

The State of Hawaii needs to end predatory towing and investigate the relationship between the parking company and the towing company. The current situation is grossly unfair to the car owners and to the taxpayers of Hawai'i.