

There can be no question that towing is much more of an onerous punishment than a ticket, in terms of inconvenience, as well as cost. It follows that a tow should be used only in circumstances where the vehicle to be towed presents a danger to public safety (such as parking in front of a fire hydrant), or significantly impairs rush hour traffic, or has been abandoned for more than 24 hours in the paid parking spaces, a guideline used by Honolulu Police Department City and County of Honolulu for similar public parking areas near Kapi'olani Park.

At the Ma'alaea State of Hawaii property, the current parking signage, pavement striping, and general information such as a harbor map are poor, misleading, or nonexistent. There needs an official third-party evaluation of the signage in the Ma'alaea Small Boat Harbor.

Currently, about 4 cars a day are being towed from the Ma'alaea Boat Harbor which is a small portion of the parking lot capacity, 941 public stalls, and therefore not creating a danger to the public. Wrongly parking in a boat owner-permitted stall, or a meter expiration in the paid public stalls, does not affect public safety and citations should be written for a cost that is 'appropriate to the crime' and consistent with other government-owned parking areas, in the State of Hawaii.

	<b>Property</b>	<b>Manager of the parking</b>	<b>Cost of an Expired Meter Violation</b>
	State of Hawaii	DAGS (State Agency)	\$40.00
	City & County	ProPark	\$20.00
	Maui City & County	Parking Div. Expired Meter	\$35.00
	State of Hawaii Department of Land and Natural Resources	"Secure" Parking LLC Beach Country Towing	\$225.00 plus* Vehicle tow charge, * late hours fee, * ride/taxi to Tow yard, *ATM fee if the tow yard demands 'cash only'

The table above in words: ProPark Inc. is contracted by the City and County Parks Department to manage the parking lot at the Honolulu Zoo. They give a \$20.00 ticket for an expired meter. The Department of Accounting and General Services manages the parking in downtown Honolulu at the Iolani Palace and the cost of a meter overstay is \$40.00. At the Frank Fasi municipal parking lot the meter overstay is \$35.00. Tow cost from the Ala Wai Small Boat Harbor to the Mr. Tow yard \$165. On Maui, expired meter fines can range from municipal parking at \$20.00 and city streets at \$35.00 and some areas are up to \$50.00.

Therefore, I submit that the Department of Land and Natural Resources, and the Attorney General, should designate an officer, or the hired parking attendant, to give a more reasonable citation (or fine), in the range of \$25.00 to \$35.00 for meter overstays at Ma'alaea Boat Harbor.

Citations by DOCARE or 'appropriate fines' by Secure Parking is tier in the penalties for parking violations at Ma'alaea Boat Harbor. A fee that is \$50.00 or less is critical in enforcement process, to align with similar parking practices on public land in Hawaii. The stark contrast in the cost of a tow, incurred by patrons of the harbor, shows the inequity of the parking system, designed and condoned by the Division of Boating And Ocean Recreation and the Department of

Land and Natural Resources, in Revocable Permits, and contracts approved Board of Land and Natural Resources, and reviewed by the Attorney General's Office.

Many people who park at the Ma'alea Harbor make parking errors due to the confusing signage or pay stations infractions. This violates the duty of "Secure" Parking Hawaii LLC to Revocable Permit of March 2022, Minimum duties on Pg. 13 Exhibit B; "To ensure proper parking signage is displayed throughout the Premises."

I would like the opportunity to speak at a Contested Case Hearing on behalf of the public, and urge the Board to require monthly towing records as part of any Revocable Permit or Direct Issuance contract. John Fitzpatrick and Kate Thompson are long term contributors to the Boating Special Fund, which funded the Pay Stations on the State Harbors, including Ma'alea.

**Remedy: Before any Revocable Permits or Direct Issuance Contracts be awarded, the Attorney General's office needs to clarify who has the authority to ticket, or charge a fine, especially for a minor parking violations such as an 'Expired Meter'. In addition, the AG's office needs to clarify who has the authority to 'approve a tow' which might be a DOCARE agent, Parking Vendor or Tow Truck Driver. Plus, the AG's office needs to clarify if the Tow Company can demand Cash Payment, since the 2020 law says the Tow Company must accept the client's choice of Credit Card, Debit Card or Cash.**

Signature \_\_\_\_\_

A handwritten signature in blue ink that reads "Karen Boyer". The signature is written in a cursive style and is positioned over a horizontal line that serves as a signature line.

Karen Boyer

**From:** [Justin Brackett](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Towing shouldn't be the first step  
**Date:** Thursday, January 9, 2025 8:40:29 AM

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Aloha Board,

The request for a contested case hearing is warranted based on the deprivation of due process and equal protection to myself as a Hawai'i boater and other persons who park in harbor parking lots, as well as the violation of Hawaii's public trust doctrine.

### 1. Due Process Concerns:

- **Lack of Clear Notice:** The parking stalls are not well-marked and signs are not adequately legible or informative. Motorists are not provided with fair notice of the parking restrictions. This lack of clear notice violates the Due Process guaranteed by the Hawaii Constitution, including Article 1, Section 5, which requires fair procedures before depriving an individual of property, including a vehicle. Unmarked stalls and inadequate signage are unfair procedures.
- **Arbitrary Enforcement:** The towing company has a strong financial incentive to tow vehicles. I have concerns about the arbitrary and discriminatory enforcement of parking regulations and the fact that vehicles are being towed without good cause and solely to generate revenue for the parking and towing company. Additionally, the towing company is not providing adequate avenues for appeal for persons who believe their car was towed improperly. I've witnessed them waiting for vehicles to go past their time so they can be towed.
- **Lack of Transparency and Accountability:** The facts that (a) the towing company is not providing information regarding (i) the number of cars towed, (ii) how violations were determined, and (iii) the number of people that appealed their tow. This lack of oversight increases the potential for abuse and conflicts of interest and leads to further violations of due process and arbitrary enforcement.

### 2. Potential Equal Protection Violations:

- **Discriminatory Impact:** The parking regulations and towing practices disproportionately impact certain groups that rely on Harbor parking for their livelihood, violating the equal protection provisions of the Hawaii Constitution, including Article 1, Section 5.

### 3. Public Trust Doctrine:

- **Misuse of Public Land:** State land is held in trust for the public. It is a misuse of public trust resources to be used to generate revenue for a private towing company.

Accordingly, a contest case hearing is warranted.

Sincerely,  
Justin A. Brackett, Esq.  
515 Ward Avenue  
Honolulu, HI 96814  
(808) 377-6778

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**From:** [John Fitzpatrick](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Grant Contested Case Hearing or Request a new RFP for J-1 and J-2  
**Date:** Thursday, January 9, 2025 6:50:12 AM  
**Attachments:** [image.png](#)  
[image.png](#)  
[image.png](#)

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Aloha Chair Pang and Honorable BLNR,

Aloha Doreen (Pua) Canto,

I am hoping on Friday during the J-1 contested case hearing that you will oppose giving secure parking a 5 year contract. I am hopeful that you will ask DLNR to open up a request for proposal for a more ethical company based on Maui to run the parking at Ma'alea.

Since the last meeting where you voted to approve secure parkings contract neither secure parking nor DOBAR have had a public hearing at Ma'alea to get input about doubling the rates from \$1 to \$2 an hour.

In addition the BLNR requested better reporting to the board on how many vehicles are towed daily and there is still now communication or oversight of towing at public harbors, including Ma'alea, by DOBAR and secure parking.

I asked Meghan Statts, administrator of Division of Boating and Ocean Recreation, for data on how many cars are towed daily by Secure Parking and Beach Front Towing out of Ma'alea Harbor since May. But they have not thought to make sure they collect this data since the request for a contested case hearing in June.



**John Fitzpatrick** <fitzformai@gmail.com>

Tue, Jan 7, 3:20 PM (1 day ago)

to Meghan ▾

Aloha Meghan,

I am wondering if I can get information about how many cars were towed from May until now at the Maalea small boat harbor.

Mahalo,  
John Fitzpatrick



**Statts, Meghan L**

Tue, Jan 7, 3:47 PM (1 day ago)

to me ▾

Aloha Mr. Fitzpatrick,

Unfortunately, we do not keep those numbers. Secure Parking may have the total number.

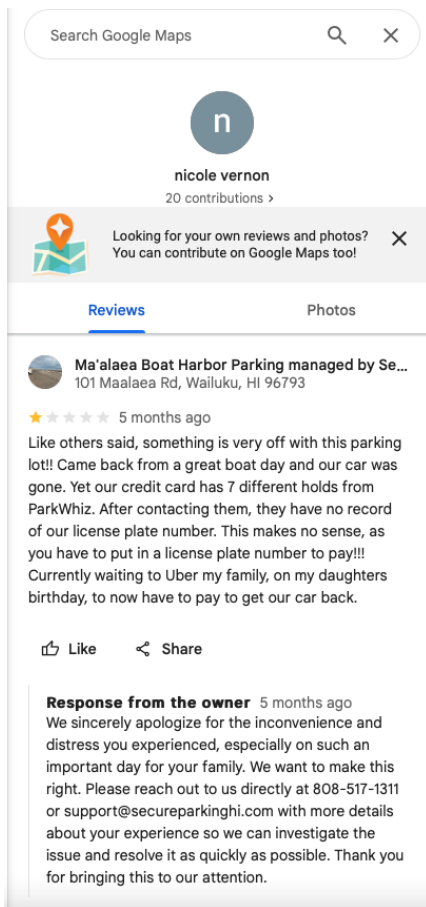
Mahalo,

Meghan Statts  
Administrator  
Division of Boating and Ocean Recreation  
4 Sand Island Access Road  
Honolulu, Hawaii 96819  
(808) 587-1966

If I were the head of DOBAR and knew of the towing malpractice that was allowed at our public harbors, I would demand to collect data and be able to oversee the public private partnership that allows secure parking to tow people even if they pay for parking.

I paid for parking and they still towed me because the signage at the harbor was confusing. The process to contest the \$225 towing fee was very difficult and I had to take a day off of

work. As you can see from this post below it happens to far too many people. They also have not fixed the maps to adjust the "permit" parking and regular parking areas. This entire process is so sloppy and not deserving of a multimillion dollar contract.



Lastly, DOBAR says a contested case hearing is just too expensive for lawyers to prepare for and just not worth hearing. But that is how I feel when I come back to my car after paying my \$7 for parking and now have to uber to get my car and pay \$225 to release it. When DOBAR makes \$500,000 on parking they should make sure everyone is following the law. That is what a contested case hearing is for.

Please request DOBAR to put a new request for proposal on Friday and see if we can get a better, more ethical company to operate parking at Ma'alaea where the tow first practices are stopped.

Mahalo,  
John Fitzpatrick

John Fitzpatrick  
*Fitz For Maui*  
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phone: 808-268-1073  
85 Mokuahi St.  
Makawao,

Hi, 96768

John Fitzpatrick

*Fitz For Maui*

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phone: 808-268-1073

85 Mokuahi St.

Makawao,

Hi, 96768

**From:** [Korynn Grenert](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] J1 and J2: testimony in favor of approving Contested Case Hearings To J.Fitzpatrick and K. Thompson regarding parking/towing at Ma'alaea State Harbor  
**Date:** Wednesday, January 8, 2025 7:21:30 PM

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Board Chair Chang and Members:

The request for a contested case hearings by John Fitzpatrick and Kate Thompson are warranted based on the deprivation of due process and equal protection to myself and other persons who park in the Ma'alaea Small Boat Harbor parking lot and the violation of Hawaii's public trust doctrine.

1. Due Process Concerns:

- **Lack of Clear Notice:** The parking stalls are not well-marked and signs are not adequately eligible or informative. Motorists are not provided with fair notice of the parking restrictions, or that the financial penalty of mis-parking is a \$225.00 minimum towing fee. This lack of clear notice violates the Due Process guaranteed by the Hawaii Constitution, including Article 1, Section 5, which requires fair procedures before depriving an individual of property, including a vehicle. Unmarked stalls and inadequate signage are unfair procedures.
- **Arbitrary Enforcement:** The parking company and the towing company has a strong financial incentive to tow vehicles. I have concerns about the arbitrary and discriminatory enforcement of parking regulations and the fact that vehicles are being towed without cause solely to generate revenue for the towing company. Additionally, the towing company is not providing adequate avenues for appeal for persons who believe their car was towed improperly.
- **Lack of Transparency and Accountability:** The facts that (a) the parking company nor the towing company are providing information regarding (I) the number of cars towed, (ii) how violations were determined, and (iii) the number of people that appealed their tow, and (b) regular meetings are held between the car parking company and the towing company but with including relevant state officials, raise concerns about transparency and accountability. This lack of oversight increases the potential for abuse and conflicts of interest and leads to further violations of due process and arbitrary enforcement.

2. Potential Equal Protection Violations:

- **Discriminatory Impact:** If the parking regulations and towing practices disproportionately impact certain groups that rely on Harbor parking for their livelihood, violating the equal protection provisions of the Hawaii Constitution, including Article 1, Section 5.

3. Public Trust Doctrine:

- **Misuse of Public Land:** State land is held in trust for the public. It is a misuse of public trust resources to be used to generate revenue for a private towing company. Accordingly, a contest case hearing is warranted, before any Direct Issuance parking contracts are awarded by the Board of Land and Natural Resources at State Boat Harbors.

Thank you for taking my testimony into consideration.

Sincerely,

**Korynn Grenert**

**BS in Natural Resources & Environmental Management | BA in Political Science**  
**J.D. Candidate, Class of 2026**



**William S. Richardson School of Law**

**Phone: (808) 675-8254**

**Email: [korynng@hawaii.edu](mailto:korynng@hawaii.edu)**

**From:** [Maggie Hallahan](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] J1 and J2 Grant the Request for Contested Case Hearing for John Fitzpatrick and Kate Thompson, as contributors to the Boating Special Fund/and Pay Stations  
**Date:** Thursday, January 9, 2025 5:36:13 AM

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J1 and J2 Grant the Request for Contested Case Hearing for John Fitzpatrick and Kate Thompson, as contributors to the Boating Special Fund/and Pay Stations.

I would like to speak at the hearing.

Please read some of the google reviews:

Like others said, something is very off with this parking lot!! Came back from a great boat day and our car was gone. Yet our credit card has 7 different holds from ParkWhiz. After contacting them, they have no record of our license plate number. This makes no sense, as you have to put in a license plate number to pay!!! Currently waiting to Uber my family, on my daughter's birthday, to now have to pay to get our car back.

Do not trust this place!! We went on a ferry, when we got back from our trip we were going to our car but where was our car not parked there! It got towed for no reason, we payed our parking, BEWARE anyone who is parking there as it's a scam and they just want your money.

I recently used this lot and was pleased with how convenient the parking was. The website was great and incredibly easy to use; however, it's important to enter your information correctly. It seems like some people struggle with that, but it's mostly those who find technology a bit challenging. If you can use an app or website, I highly recommend this lot for its overall convenience and user-friendly experience!!

BEWARE to anyone who wants to support local businesses in Lanai or charters. We and several others are victims to wrongful towing. We paid for our parking. Have proof of receipt in email. Even paid over time just in case ferry came in late. Returned from a beautiful time in Lanai to our car towed. BEWARE of parking at this harbor. They said we didn't enter our license plate. Wrong! You can't even submit pay for parking without a license plate number. BEWARE!! Scammers!! The charters and the expedition ferry should do something to protect their businesses and customers. HORRIBLE end to a fabulous day!

Absolute scammers. Never trust these people. Took our car even though we paid. Tried making us have to pay for an "Uber" they are going to send. SCAMMERS. If you see this review, REPORT THIS COMPANY TO THE POLICE.

\_\_\_\_\_

This is such a speacal place. My family and I have sailed, motorboated and paddled out of this harbor. It is sometimes a very difficult harbor to get in and out of and we do not need to worry about parking tickets that are not fairly given.

There can be no question that towing is much more of an onerous punishment than a ticket, in terms of inconvenience, as well as cost. It follows that a tow should be used only in circumstances where the vehicle to be towed presents a danger to public safety (such as parking in front of a fire hydrant), or significantly impairs rush hour traffic, or has been abandoned for more than 24 hours in the paid parking spaces, a guideline used by Honolulu Police Department City and County of Honolulu for similar public parking areas near Kapi'olani Park.

At the Ma'alaea State of Hawaii property, the current parking signage, pavement striping, and general information such as a harbor map are poor, misleading, or nonexistent. There needs an official third party evaluation of the signage in the Ma'alaea Small Boat Harbor.

Currently, about 4 cars a day are being towed from the Ma'alaea Boat Harbor which is a small portion of the parking lot capacity, 941 public stalls, and therefore not creating a danger to the public. Wrongly parking in a boat

owner-permitted stall, or a meter expiration in the paid public stalls, does not affect public safety and citations should be written for a cost that is 'appropriate to the crime' and consistent with other government-owned parking areas, in the State of Hawaii.

Parking area

Property

Manager of the parking

Cost of an Expired Meter Violation

Iolani Palace & State Capitol

State of Hawaii

DAGS (State Agency)

\$40.00

Honolulu Zoo

City & County

ProPark

\$20.00

Frank Fasi Municipal

Maui

City & County

Parking Div. Expired Meter

\$35.00

Ala Wai Small Boat Harbor

State of Hawaii Department of Land and Natural Resources

"Secure" Parking LLC

Beach Country Towing

\$225.00 plus\*

Vehicle tow charge,

\* late hours fee,

\* ride/taxi to Tow yard,

\*ATM fee if the tow yard demands 'cash only'

The table above in words: ProPark Inc. is contracted by the City and County Parks Department to manage the parking lot at the Honolulu Zoo. They give a \$20.00 ticket for an expired meter. The Department of Accounting and General Services manages the parking in downtown Honolulu at the Iolani Palace and the cost of a meter overstay is \$40.00. At the Frank Fasi municipal parking lot the meter overstay is \$35.00. Tow cost from the Ala Wai Small Boat Harbor to the Mr. Tow yard \$165. On Maui, expired meter fines can range from municipal parking at \$20.00 and city streets at \$35.00 and some areas are up to \$50.00.

Therefore, I submit that the Department of Land and Natural Resources, and the Attorney General, should designate an officer, or the hired parking attendant, to give a more reasonable citation (or fine), in the range of \$25.00 to \$35.00 for meter overstays at Ma'alea Boat Harbor.

Citations by DOCARE or 'appropriate fines' by Secure Parking is tier in the penalties for parking violations at Ma'alea Boat Harbor. A fee that is \$50.00 or less is critical in enforcement process, to align with similar parking practices on public land in Hawaii. The stark contrast in the cost of a tow, incurred by patrons of the harbor, shows the inequity of the parking system, designed and condoned by the Division of Boating And Ocean Recreation and the Department of Land and Natural Resources, in Revocable Permits, and contracts approved Board of Land and Natural Resources, and reviewed by the Attorney General's Office.

Many people who park at the Ma'alea Harbor make parking errors due to the confusing signage or pay stations infractions. This violates the duty of "Secure" Parking Hawaii LLC to Revocable Permit of March 2022, Minimum duties on Pg. 13 Exhibit B; "To ensure proper parking signage is displayed throughout the Premises."

I would like the opportunity to speak at a Contested Case Hearing on behalf of the public, and urge the Board to require monthly towing records as part of any Revocable Permit or Direct Issuance contract. John Fitzpatrick and Kate Thompson are long term contributors to the Boating Special Fund, which funded the Pay Stations on the State Harbors, including Ma'alea.

Remedy: Before any Revocable Permits or Direct Issuance Contracts be awarded, the Attorney General's office needs to clarify who has the authority to ticket, or charge a fine, especially for a minor parking violations such as an 'Expired Meter'. In addition, the AG's office needs to clarify who has the authority to 'approve a tow' which might be a DOCARE agent, Parking Vendor or Tow Truck Driver. Plus, the AG's office needs to clarify if the Tow Company can demand Cash Payment, since the 2020 law says the Tow Company must accept the client's choice of Credit Card, Debit Card or Cash.

Signature \_\_\_\_\_

Maggie Hallahan  
maggie@mhpv.net  
C-415-305-7553

**From:** [John Shockley](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Cc:** [Rita Shockley](#)  
**Subject:** [EXTERNAL] LIVE NOTE: Re. J1 & J2 Agenda Items approval  
**Date:** Thursday, January 9, 2025 9:45:30 AM  
**Attachments:** [oq-image-placeholder-blank.png](#)

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**Aloha Chair Chang and Members!**

**The Free Access Coalition approve the Contested Hearing Petition brought by John Fitzpatrick and Kate Thompson.**

**Unfair towing practices both at the Ma'alea and Ala Moana Boat Harbors are an unfair hinderance to the free public access to these recreational areas.**

**Mahalo for your time.**

**John & Rita Shockley. Coordinators: Free Access Coalition.**

Free Access Coalition  
[freeaccesscoalition.weebly.com](http://freeaccesscoalition.weebly.com)

**From:** [Kate Thompson](#)  
**To:** [DLNR, BLNR Testimony](#)  
**Cc:** [Kate Thompson](#)  
**Subject:** [EXTERNAL] J1 and J2 Please grant contested case hearings for Fitzpatrick and Thompson regarding Parking/Towing at Ma'alaea SBH  
**Date:** Thursday, January 9, 2025 8:56:18 AM  
**Attachments:** [DLNR 5 CASE HCR176 TESTIMONY WAL 03-22-22 \(2\).pdf](#)  
[A7488BF1-02E9-47E4-88B6-082C38547D05.pdf](#)  
[ACT 163 Screen shot and "already heuun negotiations" at 48.16 AM.png](#)  
[PastedGraphic-1.tif](#)  
[PastedGraphic-2.tif](#)  
[Screen Shot 2025-01-09 at 8.36.44 AM.png](#)

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BLNR meeting January 10, 2025

J1 and J2 Grant contested case hearings for Fitzpatrick and Thompson regarding Parking/Towing at Ma'alaea SBH

Testimony by Kate Thompson

Dear BLNR Chair Chang and BLNR Members Canto, Smith, Ono, Char, Yoon, and Barnes

I am requesting that you grant me a Contested Case Hearing, J1 on the agenda, regarding Parking and Towing and Ma'alaea State Harbor and that this Hearing takes place before a 5 year Direct Issuance contract is signed.

Department of Land and Natural Resources (DLNR) and Division of Boating and Ocean Recreation (DOBOR) are presenting to the Board of Land and Natural Resource (BLNR) today, January 10, 2025, and their submittal recommends denying the petitions for Contested Case Hearing by Kate Thompson (me) and John Fitzpatrick.

#### Why are we seeing a Contested Case Petition on a BLNR agenda today?

Usually, a member of the public has identified an issue of great concern and the Board has voted, on a previous agenda day, NOT in the favor of that person's opinion/testimony.

There have not been any meetings with the Boaters and DOBOR administrators in the Maui or Oahu harbors in many years. (Listening sessions were initiated by Chair Chang after the Maui fires in Maui and one on Oahu, but there were no regular 'harbor meetings' with the public.

No planned meeting took place with Secure Parking, DOBOR, and the Harbor Users since "Secure" officially in Maui, March 1, 2022.

We have not been able to 'hash out the issues' in a group input way. DLNR is now saying the Secure Parking will carryout these meetings but we think this is a mistakes because it is like the 'Fox guarding the Henhouse'.

The Petitions, Fitzpatrick and Thompson, are saying that the meaningful solutions will have to come from the highest levels of Government, namely the DLNR Chair, the BLNR members, the Attorney General, and Governor, with input from Maui Legislators because the issue is: 'who will give the equitable parking violation fines' on public lands protected by Executive Orders.

For instance, the whole reason John Fitzpatrick and myself, Kate Thompson had to file Contested Case Hearing petitions is that:

1. Although the DLNR position, as last voiced by the Chair (2022), to the legislature is that 'only DOCARE officers can issue the parking citations', and yet DOCARE officers have not been assigned to do to the job of (routine) daily parking lot enforcement parking infractions in harbors, for many years.
2. We made it clear in our previous BLNR meetings testimony, that for the past three years towing is the FIRST and ONLY financial penalty for meter overstays, in our State Recreational Boat Harbors. In regular Board Meeting discussions board member Char used the phrase 'predatory towing' and the public testifiers and Secure Parking CEO Jonathan Muari have used the phrase 'Instant Towing', because there is no 'normal parking ticket' phase.
3. We pointed out several times during the Board meeting, that the Map of the Ma'alaea harbor in DOBOR submittals, including the RFP, Revocable Permits and Direct Issuance contracts is inaccurate, and yet the BLNR members have not sent DOBOR back to the drawing board to bring a correct map of 'contract service area' to the table. The 'parking plan' has been amended and the Ma'alaea Harbor no longer has specific boat owner 'permit only' parking stalls. (See Map for the Direct Issuance proposal of June 14, 2024 attached.)
4. There has been implied pressure for Board members to make decisions in the meetings to approve the staff submittals, with the rational for the pressure, 'if we don't approve this, then no parking service will be provided'. This is not actually true, because, as we have seen, the Attorney General's office has been able to complete the permitting with monthly extensions, and to patch together Revocable Permits to ensure service. In fact, there was likely a 'back dated' permit achieved for a November 2023, when "Secure" had one month gap in their contract, at Ala Wai SBH, discovered in December 2023, simply illustrating that the pressure to vote is not enough a reason, to bypass the concerns of the public.
5. Harbor users, such as Fitzpatrick and myself Thompson and previous testifiers, have often witnessed vehicles being towed. I personally see this at the Ala Wai Harbor on a daily basis. Plus, I have talked with the boat Captain's who work on boats moored at Ma'alaea Harbor, and they see the vehicle towing everyday as well. Many of the Boating industry people are afraid to testify due to fears of retaliation from DOBOR staff. This is not far fetched, as this is the reason that Harbor Agents are not allowed to issue parking tickets, as summarized by the prior DLNR Chair, Suzanne Case in her March 22, 2022 in the same written testimony regarding HCR 176.

Filing a Contested Case Hearing Petition happens when someone from the public, or a group, is communicating with the Board, 'please re-look at this issue'.

In this case, I see myself as an off duty nurse, wearing my scrubs, standing in the middle of the road, waving my arms, and saying "Wait! Slow this bad idea down, please do not proceed."

What is the bad idea, or bad contract?

It's not giving someone, a trained person (in basic parking enforcement) the authority to give the equitable parking fine of \$35.00, for a non-payment parking infraction. In my opinion, it is OK if 'Secure Parking' staff issues a 'parking infraction fine'. The company is totally set up to do this, as you can tell by their web-site.

The BLNR Board Members are busy, there are many important topics on the BLNR agenda. Everyone's time is important. As a petitioner, I am not trying to delay good parking management, I'm trying to delay bad parking management.

What my petition does is bring to the Board Member's attention, that the current parking enforcement of towing is harsh, unethical, unnecessary, and possibly illegal.

The welfare of the public is at stake because towing a person's vehicle is stressful and expensive.

Towing is not 'pono' for a public recreational boating facility. Towing lacks Aloha.

We are asking you, as Board Members, to not go forward with 5 year Direct Issuance contract, until the Governor and Attorney General made a clear statement, if towing for a minor parking infractions, such as non-payment, is an acceptable parking enforcement penalty in our State Boat Harbors.

We also need a definition of an 'abandon vehicle' as it relates to paid parking in State Harbors. Being 30 minutes over the expired 'meter' time in a paid parking stall on public land is not an abandon vehicle. Normally, throughout the State, there is 24 hours holding period, after a citation has been given, to establish an abandoned vehicle.

Do we, Fitzpatrick and Thompson, have 'Constitutionally Protected Rights':

**Yes**

1. We are both tax paying members of the State of Hawaii, and it is public land in question here. Also, '...the equitable ownership of public land in Hawaii has always been with its people' (full quote is in my petition).
2. We both pay mooring fee to Boating Special fund, this is a DEBT managed collection of a the boater mooring fees. The fees don't pay for expense in 'my harbor first' (I wish it did) but the fund pays for harbor expenses throughout the State Harbors. My 35 foot sailboat is moored in the Ala Wai Small Boat Harbor. The Ala Wai SBH is widely known as the 'cash cow' of the entire Boating Special Fund with about 2.5 million 'extra' dollars beyond the our harbors direct expenses going into other island harbors. Similar to Hawaiian outrigger canoes, sailboats and powerboats move around between islands. I have sailed to Maui many times. I have rented boats on Maui and I am quite familiar with Ma'alaea Harbor and I have parked in the harbor many times over the years.
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Mahalo for serving on the Board of Land and Natural Resources.

Sincerely,

Kate Thompson

Retired Registered Nurse and long-time boater in the State of Hawaii

808-387-0321

Please feel free to call or email me anytime about harbor issues.

Attachment #1

Attachment # 2

Attachment # 3 Showing early 'negotiating work' before the public 'bidding' was open.

**BLNR – Continuation of Revocable Permit Issued to  
Secure Parking Hawaii LLC at Maalaea Small Boat Harbor**

January 26, 2024

concurrent with the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an Environmental Assessment pursuant to General Exemption Type 1, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," Part 1, Item No. 44, which states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."


**BACKGROUND:**

At its meeting on February 25, 2022, under agenda Item J-2, the Board approved the issuance of a revocable permit ("RP") to Secure Parking Hawaii LLC for management of vehicle parking at the Maalaea Small Boat Harbor from March 1, 2022, through February 28, 2023.

On June 27, 2022, Act.163 (2022) was enacted.

Act 163 (2022) states, in relevant part, "exempts certain operations of ground transportation services and parking lot operations at small boat harbors from the sealed bid requirements." This allows DOBOR to negotiate directly with a parking management company to run the parking operation at the Maalaea Small Boat Harbor. See **Exhibit B**.

Staff has begun the process to directly negotiate a contract with a parking management company. It plans to publish a Request for Interest (RFI) to solicit interest from parking vendors on February 02, 2024, February 03, 2024, and February 04, 2024. Staff will then select a vendor, with whom to conduct negotiations, from the responses generated from the RFI. Once a contract has been negotiated and approved by the Board of Land and Natural Resources, the Department of the Attorney General will draft the contract.

The applicant is current on their rent payments and has demonstrated good stewardship of the Maalaea Small Boat Harbor parking facility! 

Today's Additional attachments: #A

Attachment # B

Attachment # C

Brown V Thompson (Thompson was a DLNR employee, 1991)



**[§200-48] Derelict vessel.** A vessel which has been left unattended for a continuous period of more than twenty-four hours is a derelict if:

- (1) The vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering life or property; or
- (2) The vessel has been moored or otherwise left in the waters of the State or on public property contrary to law, or rules having the force and effect of law, or the vessel has been left on private property without authorization of the owner or occupant of the property and if:
  - (A) The vessel's registration certificate or marine document has expired and the registered owner no longer resided at the address listed in the vessel registration or marine document records of the department or the United States Coast Guard;
  - (B) The last registered owner of record disclaims ownership and the current owner's name or address cannot be determined;
  - (C) The vessel identification numbers and other means of identification have been removed so as to hinder or nullify efforts to locate or identify the owner; or
  - (D) The vessel registration records of the department and the marine document records of the United States Coast Guard contain no record that the vessel has ever been registered or documented and the owner's name or address cannot be determined. [L 1991, c 272, pt of §2]

#### **Case Notes**

A vessel and its accompanying mooring and live-aboard permits are constitutionally protected "property", of which an individual may not be deprived without notice and an opportunity to be heard. 91 H. 1, 979 P.2d 586 (1999).

Where an owner's right to a hearing subsequent to impoundment of a derelict vessel was not clearly established under §200-49, this section, or other law at the time of state boating officer's actions, it was not unreasonable for officers to have believed it was lawful to dispose of vessel without a hearing; thus officers, in individual capacities, entitled to qualified immunity in 42 U.S.C. §1983 action. 91 H. 1, 979 P.2d 586 (1999).

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[Vol03\\_Ch0121-0200D](#)

[Next](#)



nicole vernon

20 contributions >



Looking for your own reviews and photos?  
You can contribute on Google Maps too!



Reviews

Photos



Ma'alaia Boat Harbor Parking managed by Se...  
101 Maalaea Rd, Wailuku, HI 96793

★☆☆☆☆ 5 months ago

Like others said, something is very off with this parking lot!! Came back from a great boat day and our car was gone. Yet our credit card has 7 different holds from ParkWhiz. After contacting them, they have no record of our license plate number. This makes no sense, as you have to put in a license plate number to pay!!! Currently waiting to Uber my family, on my daughters birthday, to now have to pay to get our car back.



Like



Share

**Response from the owner** 5 months ago

We sincerely apologize for the inconvenience and distress you experienced, especially on such an important day for your family. We want to make this right. Please reach out to us directly at 808-517-1311 or support@secureparkinghi.com with more details about your experience so we can investigate the issue and resolve it as quickly as possible. Thank you for bringing this to our attention.

## Overview

**Doing Business As:** CONCIERGE CAR WASH

**Company Description:** 

**Key Principal:** Kelvin Tjia [See more contacts](#) >

**Industry:** [Other Personal Services](#), [Personal and Laundry Services](#), [Other Services \(except Public Administration\)](#), Parking lots

**See other industries within the Other Services (except Public Administration) sector:** [Automotive Repair and Maintenance](#), [Business, Professional, Labor, Political, and Similar Organizations](#), [Civic and Social Organizations](#), [Commercial and Industrial Machinery and Equipment \(except Automotive and Electronic\) Repair and Maintenance](#), [Death Care Services](#), [Drycleaning and Laundry Services](#), [Electronic and Precision Equipment Repair and Maintenance](#), [Grantmaking and Giving Services](#)

[View more](#) v



[Printer Friendly View](#)



**Address:** 529 Koula St Honolulu, HI, 96813-5310 United States 





**Phone:** 




**Website:** [www.secureparkinghi.com](http://www.secureparkinghi.com) 



**Employees (this site):** 

 Modelled

**Employees (all sites):** 

 Modelled




**Revenue:**   Modelled



**Year Started:** 



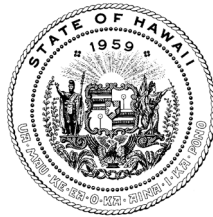
**ESG ranking:**  

**ESG industry average**

[\(866\) 258-3217](tel:(866)258-3217)



DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of**  
**SUZANNE D. CASE**  
**Chairperson**

**Before the House Committee on**  
**WATER & LAND**

**Tuesday, March 22, 2022**  
**9:30 AM**

**State Capitol, Conference Room 430, Via Videoconference**

**In consideration of**  
**HOUSE CONCURRENT RESOLUTION 176/HOUSE RESOLUTION 176**  
**URGING THE BOARD OF LAND AND NATURAL RESOURCES TO APPOINT**  
**HARBOR AGENTS AS ENFORCEMENT OFFICERS FOR THE PURPOSES OF**  
**ENFORCING PARKING VIOLATIONS AT SMALL BOAT HARBORS IN THE STATE.**

House Concurrent Resolution 176/House Resolution 176 urge the Board of Land and Natural Resources to appoint Harbor Agents as Enforcement Officers to enforce parking violations at state small boat harbors. **The Department of Land and Natural Resources (Department) appreciates the intent of these measures and offers comments.**

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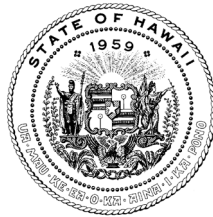
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AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



BLNR meeting January 10, 2025

J1 and J2 Grant contested case hearings for Fitzpatrick and Thompson regarding Parking/Towing at Ma'alaea SBH

Testimony by Kate Thompson

Dear BLNR Chair Chang and BLNR Members Canto, Smith, Ono, Char, Yoon, and Barnes:

I am requesting that you grant me a Contested Case Hearing, J1 on the agenda, regarding Parking and Towing and Ma'alaea State Harbor and that this Hearing takes place before a 5 year Direct Issuance contract is signed.

Department of Land and Natural Resources (DLNR) and Division of Boating and Ocean Recreation (DOBOR) are presenting to the Board of Land and Natural Resource (BLNR) today, January 10, 2025, and their submittal recommends denying the petitions for Contested Case Hearing by Kate Thompson (me) and John Fitzpatrick.

#### **Why are we seeing a Contested Case Petition on a BLNR agenda today?**

Usually, a member of the public has identified an issue of great concern and the Board has voted, on a previous agenda day, NOT in the favor of that person's opinion/testimony.

There have not been any meetings with the Boaters and DOBOR administrators in the Maui or Oahu harbors in many years. (Listening sessions were initiated by Chair Chang after the Maui fires in Maui and one on Oahu, but there were no regular 'harbor meetings' with the public.

No planned public meeting has taken place with Secure Parking, DOBOR, and the Harbor Users since "Secure" officially in Maui, March 1, 2022.

We have not been able to 'hash out the issues' in a group input way. DLNR is now saying the Secure Parking will carryout these meetings but we think this is a mistakes because it is like the 'Fox guarding the Henhouse'.

The Petitions, Fitzpatrick and Thompson, are saying that the meaningful solutions will have to come from the highest levels of Government, namely the DLNR Chair, the BLNR members, the Attorney General, and Governor, with input from Maui Legislators because the issue is: 'who will give the equitable parking violation fines' on public lands protected by Executive Orders.

For instance, the whole reason John Fitzpatrick and myself, Kate Thompson had to file Contested Case Hearing petitions is that:

1. Although the DLNR position, as last voiced by the Chair (2022), to the legislature is that 'only DOCARE officers can issue the parking citations', and yet DOCARE officers have not been assigned to do to the job of (routine) daily parking lot enforcement parking infractions in harbors, for many years.
2. We made it clear in our previous BLNR meetings testimony, that for the past three years towing is the FIRST and ONLY financial penalty for meter overstays, in our State Recreational Boat Harbors. In regular Board Meeting discussions board member Char used the phrase 'predatory towing' and the public testifiers and Secure Parking CEO Jonathan Muari have used the phrase 'Instant Towing', because there is no 'normal parking ticket' phase.

3. We pointed out several times during the Board meeting, that the Map of the Ma'alaea harbor in DOBOR submittals, including the RFP, Revocable Permits and Direct Issuance contracts is inaccurate, and yet the BLNR members have not sent DOBOR back to the drawing board to bring a correct map of 'contract service area' to the table. The 'parking plan' has been amended and the Ma'alaea Harbor no longer has specific boat owner 'permit only' parking stalls. (See Map for the Direct Issuance proposal of June 14, 2024 attached.)
4. There has been implied pressure for Board members to make decisions in the meetings to approve the staff submittals, with the rationale for the pressure, 'if we don't approve this, then no parking service will be provided'. This is not actually true, because, as we have seen, the Attorney General's office has been able to complete the permitting with monthly extensions, and to patch together Revocable Permits to ensure service. In fact, there was likely a 'back dated' permit achieved for a November 2023, when "Secure" had one month gap in their contract, at Ala Wai SBH, discovered in December 2023, simply illustrating that the pressure to vote is not enough a reason, to bypass the concerns of the public.
5. Harbor users, such as Fitzpatrick and myself Thompson and previous testifiers, have often witnessed vehicles being towed. I personally see this at the Ala Wai Harbor on a daily basis. Plus, I have talked with the boat Captains who work on boats moored at Ma'alaea Harbor, and they see the vehicle towing everyday as well. Many of the Boating industry people are afraid to testify due to fears of retaliation from DOBOR staff. This is not far fetched, as this is the reason that Harbor Agents are not allowed to issue parking tickets, as summarized by the prior DLNR Chair, Suzanne Case in her March 22, 2022 in the same written testimony regarding HCR 176.

Filing a Contested Case Hearing Petition happens when someone from the public, or a group, is communicating with the Board, 'please re-look at this issue'.

In this case, I see myself as an off duty nurse, wearing my scrubs, standing in the middle of the road, waving my arms, and saying "Wait! Slow this bad idea down, please do not proceed."

What is the bad idea, or bad contract?

It's not giving someone, a trained person (in basic parking enforcement) the authority to give the equitable parking fine of \$35.00, for a non-payment parking infraction. In my opinion, it is OK if 'Secure Parking' staff issues a 'parking infraction fine'. The company is totally set up to do this, as you can tell by their web-site.

The BLNR Board Members are busy, there are many important topics on the BLNR agenda. Everyone's time is important. As a petitioner, I am not trying to delay good parking management, I'm trying to delay bad parking management.

What my petition does is bring to the Board Member's attention, that the current parking enforcement of towing is harsh, unethical, unnecessary, and possibly illegal.

The welfare of the public is at stake because towing a person's vehicle is stressful and expensive.

Towing is not 'pono' for a public recreational boating facility. Towing lacks Aloha.

We are asking you, as Board Members, to not go forward with 5 year Direct Issuance contract, until the Governor and Attorney General made a clear statement, if towing for a minor parking infractions, such as non-payment, is an acceptable parking enforcement penalty in our State Boat Harbors.

We also need a definition of an 'abandon vehicle' as it relates to paid parking in State Harbors. Being 30 minutes over the expired 'meter' time in a paid parking stall on public land is not an abandon vehicle. Normally, throughout the State, there is 24 hours holding period, after a citation has been given, to establish an abandoned vehicle.

Do we, Fitzpatrick and Thompson, have 'Constitutionally Protected Rights':

## Yes

1. We are both tax paying members of the State of Hawaii, and it is public land in question here. Also, '...the equitable ownership of public land in Hawaii has always been with its people' (full quote is in my petition.
2. We both pay mooring fee to Boating Special fund, this is a DEBT managed collection of a the boater mooring fees. The fees don't pay for expense in 'my harbor first' (I wish it did) but the fund pays for harbor expenses throughout the State Harbors. My 35 foot sailboat is moored in the Ala Wai Small Boat Harbor. The Ala Wai SBH is widely known as the 'cash cow' of the entire Boating Special Fund with about 2.5 million 'extra' dollars beyond the our harbors direct expenses going into other island harbors. Similar to Hawaiian outrigger canoes, sailboats and powerboats move around between islands. I have sailed to Maui many times. I have rented boats on Maui and I am quite familiar with Ma'alaea Harbor and I have parked in the harbor many times over the years.
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Mahalo for serving on the Board of Land and Natural Resources.

Sincerely,

Kate Thompson

Retired Registered Nurse and long-time boater in the State of Hawaii

808-387-0321

Please feel free to call or email me anytime about harbor issues.



DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
POST OFFICE BOX 621  
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BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Attachment # 2

DEPARTMENT OF BUDGET AND FISCAL SERVICES  
CITY AND COUNTY OF HONOLULU  
530 SOUTH KING STREET, ROOM 209 • HONOLULU, HAWAII 96813  
PHONE: (808) 768-3900 • FAX: (808) 768-3179 • INTERNET: www.honolulu.gov

RICK BLANGIARDI  
MAYOR



ANDREW T. KAWANO  
DIRECTOR

CARRIE CASTLE  
DEPUTY DIRECTOR

TESTIMONY OF ANDREW T. KAWANO  
DIRECTOR OF BUDGET AND FISCAL SERVICES  
CITY AND COUNTY OF HONOLULU  
BEFORE THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS  
February 1, 2022, 3:00 PM, Conference Room 016 and Videoconference

TO: The Honorable Sharon Y. Moriwaki, Chair  
and Members of the Senate Committee on Government Operations

RE: OPPOSITION OF SENATE BILL 2726, RELATING TO PARKING  
CONCESSIONS

The Department of Budget and Fiscal Services, City and County of Honolulu  
(City), **opposes** Senate Bill (SB) 2726, Relating to Parking Concessions.

Hawaii Revised Statutes ("HRS") 102-1(2) defines "concessions" as meaning to grant a person the privilege to "operate a parking lot on property owned or controlled by the State with the exception of buildings, facilities, and grounds operated by or otherwise under the jurisdiction of the department of education."

Parking concessions can generate large amounts revenue and it should not be exempt from a fair and transparent competitive process. Agencies should factor in potential delays when planning and soliciting concessions, the same as in procurement contracts for services. The City would support a competitive sealed proposal process under HRS Chapter 102, if the State is looking to receive a "best value" option, but highly opposes removing any type of competition, especially for parking lot concessions.

For the reasons stated above, the City respectfully opposes Senate Bill 2726.

Mahalo for the opportunity to testify on this bill. Should you have any questions or concerns, please feel free to contact the Department of Budget & Fiscal Services' Division of Purchasing at 808-768-5535 or [bfpurchasing@honolulu.gov](mailto:bfpurchasing@honolulu.gov).

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<b>BLNR – Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC at Maalaea Small Boat Harbor</b> <span style="float: right;"><b>January 26, 2024</b></span>	
<p>concurring by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an Environmental Assessment pursuant to General Exemption Type 1, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," Part 1, Item No. 44, which states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."</p>	
<b><u>BACKGROUND:</u></b>	
<p>At its meeting on February 25, 2022, under agenda Item J-2, the Board approved the issuance of a revocable permit ("RP") to Secure Parking Hawaii LLC for management of vehicle parking at the Maalaea Small Boat Harbor from March 1, 2022, through February 28, 2023.</p>	
<p>On June 27, 2022, Act.163 (2022) was enacted.</p>	
<p>Act 163 (2022) states, in relevant part, "exempts certain operations of ground transportation services and parking lot operations at small boat harbors from the sealed bid requirements." This allows DOBOR to negotiate directly with a parking management company to run the parking operation at the Maalaea Small Boat Harbor. See <b>Exhibit B</b>.</p>	
<p>Staff has begun the process to directly negotiate a contract with a parking management company. It plans to publish a Request for Interest (RFI) to solicit interest from parking vendors on February 02, 2024, February 03, 2024, and February 04, 2024. Staff will then select a vendor, with whom to conduct negotiations, from the responses generated from the RFI. Once a contract has been negotiated and approved by the Board of Land and Natural Resources, the Department of the Attorney General will draft the contract.</p>	
<p>The applicant is current on their rent payments and has demonstrated good stewardship of the Maalaea Small Boat Harbor parking facility.</p>	

Today's Additional attachments: #A

## Overview

**Doing Business As:** CONCIERGE CAR WASH

**Company Description:**

**Key Principal:** Kelvin Tjia [See more contacts >](#)

**Industry:** [Other Personal Services](#), [Personal and Laundry Services](#), [Other Services \(except Public Administration\)](#), Parking lots

**See other industries within the Other Services (except Public Administration) sector:** [Automotive Repair and Maintenance](#), [Business, Professional, Labor, Political, and Similar Organizations](#), [Civic and Social Organizations](#), [Commercial and Industrial Machinery and Equipment \(except Automotive and Electronic\) Repair and Maintenance](#), [Death Care Services](#), [Drycleaning and Laundry Services](#), [Electronic and Precision Equipment Repair and Maintenance](#), [Grantmaking and Giving Services](#)

[View more](#)

[Printer Friendly View](#)

**Address:** 529 Koula St Honolulu, HI, 96813-5310 United States

**Phone:**

**Website:** [www.secureparkinghi.com](http://www.secureparkinghi.com)

**Employees (this site):**

Modelled

**Employees (all sites):**

Modelled

**Revenue:** Modelled

**Year Started:**

**ESG ranking:**

ESG industry average **(866) 258-3217**



Attachment # B Social Media Company review and offer to 'remedy'.

Search Google Maps



**nicole vernon**

20 contributions >



Looking for your own reviews and photos?  
You can contribute on Google Maps too!



Reviews

Photos



**Ma'alaea Boat Harbor Parking managed by Se...**

101 Maalaea Rd, Wailuku, HI 96793

★☆☆☆☆ 5 months ago

Like others said, something is very off with this parking lot!! Came back from a great boat day and our car was gone. Yet our credit card has 7 different holds from ParkWhiz. After contacting them, they have no record of our license plate number. This makes no sense, as you have to put in a license plate number to pay!!! Currently waiting to Uber my family, on my daughters birthday, to now have to pay to get our car back.

Like

Share

**Response from the owner** 5 months ago

We sincerely apologize for the inconvenience and distress you experienced, especially on such an important day for your family. We want to make this right. Please reach out to us directly at 808-517-1311 or support@secureparkinghi.com with more details about your experience so we can investigate the issue and resolve it as quickly as possible. Thank you for bringing this to our attention.

## Attachment # C

### Brown V Thompson (Thompson was a DLNR employee, 1991)

- [§200-48] Derelict vessel.** A vessel which has been left unattended for a continuous period of more than twenty-four hours is a derelict if:
- (1) The vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering life or property; or
  - (2) The vessel has been moored or otherwise left in the waters of the State or on public property contrary to law, or rules having the force and effect of law, or the vessel has been left on private property without authorization of the owner or occupant of the property and if:
    - (A) The vessel's registration certificate or marine document has expired and the registered owner no longer resided at the address listed in the vessel registration or marine document records of the department or the United States Coast Guard;
    - (B) The last registered owner of record disclaims ownership and the current owner's name or address cannot be determined;
    - (C) The vessel identification numbers and other means of identification have been removed so as to hinder or nullify efforts to locate or identify the owner; or
    - (D) The vessel registration records of the department and the marine document records of the United States Coast Guard contain no record that the vessel has ever been registered or documented and the owner's name or address cannot be determined. [L 1991, c 272, pt of §2]

#### Case Notes

A vessel and its accompanying mooring and live-aboard permits are constitutionally protected "property", of which an individual may not be deprived without notice and an opportunity to be heard. 91 H. 1, 979 P.2d 586 (1999).

Where an owner's right to a hearing subsequent to impoundment of a derelict vessel was not clearly established under §200-49, this section, or other law at the time of state boating officer's actions, it was not unreasonable for officers to have believed it was lawful to dispose of vessel without a hearing; thus officers, in individual capacities, entitled to qualified immunity in 42 U.S.C. §1983 action. 91 H. 1, 979 P.2d 586 (1999).

[Previous](#)

[Vol03\\_Ch0121-0200D](#)

[Next](#)

BLNR meeting January 10, 2025

J1 and J2 Grant contested case hearings for Fitzpatrick and Thompson regarding Parking/Towing at Ma'alaea SBH

Testimony by Kate Thompson

Dear BLNR Chair Chang and BLNR Members Canto, Smith, Ono, Char, Yoon, and Barnes:

I am requesting that you grant me a Contested Case Hearing, J1 on the agenda, regarding Parking and Towing and Ma'alaea State Harbor and that this Hearing takes place before a 5 year Direct Issuance contract is signed.

Department of Land and Natural Resources (DLNR) and Division of Boating and Ocean Recreation (DOBOR) are presenting to the Board of Land and Natural Resource (BLNR) today, January 10, 2025, and their submittal recommends denying the petitions for Contested Case Hearing by Kate Thompson (me) and John Fitzpatrick.

#### **Why are we seeing a Contested Case Petition on a BLNR agenda today?**

Usually, a member of the public has identified an issue of great concern and the Board has voted, on a previous agenda day, NOT in the favor of that person's opinion/testimony.

There have not been any meetings with the Boaters and DOBOR administrators in the Maui or Oahu harbors in many years. (Listening sessions were initiated by Chair Chang after the Maui fires in Maui and one on Oahu, but there were no regular 'harbor meetings' with the public.

No planned public meeting has taken place with Secure Parking, DOBOR, and the Harbor Users since "Secure" officially in Maui, March 1, 2022.

We have not been able to 'hash out the issues' in a group input way. DLNR is now saying the Secure Parking will carryout these meetings but we think this is a mistakes because it is like the 'Fox guarding the Henhouse'.

The Petitions, Fitzpatrick and Thompson, are saying that the meaningful solutions will have to come from the highest levels of Government, namely the DLNR Chair, the BLNR members, the Attorney General, and Governor, with input from Maui Legislators because the issue is: 'who will give the equitable parking violation fines' on public lands protected by Executive Orders.

For instance, the whole reason John Fitzpatrick and myself, Kate Thompson had to file Contested Case Hearing petitions is that:

1. Although the DLNR position, as last voiced by the Chair (2022), to the legislature is that 'only DOCARE officers can issue the parking citations', and yet DOCARE officers have not been assigned to do to the job of (routine) daily parking lot enforcement parking infractions in harbors, for many years.
2. We made it clear in our previous BLNR meetings testimony, that for the past three years towing is the FIRST and ONLY financial penalty for meter overstays, in our State Recreational Boat Harbors. In regular Board Meeting discussions board member Char used the phrase 'predatory towing' and the public testifiers and Secure Parking CEO Jonathan Muari have used the phrase 'Instant Towing', because there is no 'normal parking ticket' phase.



3. We pointed out several times during the Board meeting, that the Map of the Ma'alaea harbor in DOBOR submittals, including the RFP, Revocable Permits and Direct Issuance contracts is inaccurate, and yet the BLNR members have not sent DOBOR back to the drawing board to bring a correct map of 'contract service area' to the table. The 'parking plan' has been amended and the Ma'alaea Harbor no longer has specific boat owner 'permit only' parking stalls. (See Map for the Direct Issuance proposal of June 14, 2024 attached.)
4. There has been implied pressure for Board members to make decisions in the meetings to approve the staff submittals, with the rationale for the pressure, 'if we don't approve this, then no parking service will be provided'. This is not actually true, because, as we have seen, the Attorney General's office has been able to complete the permitting with monthly extensions, and to patch together Revocable Permits to ensure service. In fact, there was likely a 'back dated' permit achieved for a November 2023, when "Secure" had one month gap in their contract, at Ala Wai SBH, discovered in December 2023, simply illustrating that the pressure to vote is not enough a reason, to bypass the concerns of the public.
5. Harbor users, such as Fitzpatrick and myself Thompson and previous testifiers, have often witnessed vehicles being towed. I personally see this at the Ala Wai Harbor on a daily basis. Plus, I have talked with the boat Captains who work on boats moored at Ma'alaea Harbor, and they see the vehicle towing everyday as well. Many of the Boating industry people are afraid to testify due to fears of retaliation from DOBOR staff. This is not far fetched, as this is the reason that Harbor Agents are not allowed to issue parking tickets, as summarized by the prior DLNR Chair, Suzanne Case in her March 22, 2022 in the same written testimony regarding HCR 176.

Filing a Contested Case Hearing Petition happens when someone from the public, or a group, is communicating with the Board, 'please re-look at this issue'.

In this case, I see myself as an off duty nurse, wearing my scrubs, standing in the middle of the road, waving my arms, and saying "Wait! Slow this bad idea down, please do not proceed."

What is the bad idea, or bad contract?

It's not giving someone, a trained person (in basic parking enforcement) the authority to give the equitable parking fine of \$35.00, for a non-payment parking infraction. In my opinion, it is OK if 'Secure Parking' staff issues a 'parking infraction fine'. The company is totally set up to do this, as you can tell by their web-site.

The BLNR Board Members are busy, there are many important topics on the BLNR agenda. Everyone's time is important. As a petitioner, I am not trying to delay good parking management, I'm trying to delay bad parking management.

What my petition does is bring to the Board Member's attention, that the current parking enforcement of towing is harsh, unethical, unnecessary, and possibly illegal.

The welfare of the public is at stake because towing a person's vehicle is stressful and expensive.

Towing is not 'pono' for a public recreational boating facility. Towing lacks Aloha.

We are asking you, as Board Members, to not go forward with 5 year Direct Issuance contract, until the Governor and Attorney General made a clear statement, if towing for a minor parking infractions, such as non-payment, is an acceptable parking enforcement penalty in our State Boat Harbors.

We also need a definition of an 'abandon vehicle' as it relates to paid parking in State Harbors. Being 30 minutes over the expired 'meter' time in a paid parking stall on public land is not an abandon vehicle. Normally, throughout the State, there is 24 hours holding period, after a citation has been given, to establish an abandoned vehicle.

Do we, Fitzpatrick and Thompson, have 'Constitutionally Protected Rights':

## Yes

1. We are both tax paying members of the State of Hawaii, and it is public land in question here. Also, '...the equitable ownership of public land in Hawaii has always been with its people' (full quote is in my petition.
2. We both pay mooring fee to Boating Special fund, this is a DEBT managed collection of a the boater mooring fees. The fees don't pay for expense in 'my harbor first' (I wish it did) but the fund pays for harbor expenses throughout the State Harbors. My 35 foot sailboat is moored in the Ala Wai Small Boat Harbor. The Ala Wai SBH is widely known as the 'cash cow' of the entire Boating Special Fund with about 2.5 million 'extra' dollars beyond the our harbors direct expenses going into other island harbors. Similar to Hawaiian outrigger canoes, sailboats and powerboats move around between islands. I have sailed to Maui many times. I have rented boats on Maui and I am quite familiar with Ma'alaea Harbor and I have parked in the harbor many times over the years.
3. Plus, see below. in the case of Brown v. Thompson (not me) summary is attached, and appears on the [capitol.hawaii.gov](http://capitol.hawaii.gov) site. In this legal case, it was found that people who rented moorings do have 'Constitutionally Protected Rights'. In my case, I have paid monthly boat mooring fees, over the years that now total about \$100,000.00 dollars. I have been paying monthly mooring fees for 28 years and prices have evolved, starting in 1995, when the my mooring fee was about \$140.00 and month, till now and its \$520.00 month (which averages to about \$300.00 a month for 28 years) likely makes me one of the highest contributors to the Boating Special Fund.
4. **Monies from the Boating Special Fund are used to purchase the Pay Stations on the Ma'alaea SBH.** So on 'general accounting level', John Fitzpatrick and Kate Thompson have contributed to purchase of Parking Pay Station machines, both the hardware and at the software, that makes the current parking management system possible.
5. One of DOBOR's Stated aims is to "ensure public access to State waters and enhance the ocean experience." I don't think returning to the Ma'alaea Harbor after a boating experience to find that your car has been towed, meets that aim.

See the social media post, as one of the attachments to this document. The gal expresses her disappointment of having nice boat ride with her family, on her daughters birthday and coming back to 'no car'.

### **The Abandon Vehicle Definition and the Authority to Issue Refunds:**

If you park your car at shopping mall parking lot, and you walk into a shop, do you expect to find your car waiting for you when you get back? YES.  
Was your car 'abandoned' while you were gone? NO.

Some States define an 'Abandoned Vehicle' left for more than 72 and inoperable.

As mentioned above, we need the Attorney General to establish the definition of an 'Abandoned Vehicle' for our State Recreational Harbors. If the established City and State guidelines is used, these are the steps: there must be qualified person physically assessing the Vehicle, then the Vehicle must receive a written citation, then have its tires marked with yellow chalk, and then the '24 hours hold' period begins. All of these steps need to be done before the tow truck can take the car. Many testifiers have shared with the board this it is inappropriate for DOBOR Administrators and 'Secure Parking' Management should not be using the 'abandoned vehicle' definition for a meter overstay. Initiating a tow on this basis is a shameful way to treat the public, These harbor parking stalls are not effected by rush hour traffic, they are 'static' stalls.

This bring up another important point. It seems Secure Parking is taking its Social Media reputation seriously, which is good.

Yet a serious legal issue needs to be investigated. Is Secure Parking bypassing the 'post-tow hearing' rules and processing public complaints themselves? It seems there are based on their written response to 'complainers' on social media. We think Secure Parking is offering towing refunds and 'Uber rides fees to the tow yard' to those who had their vehicle towed 'accidentally'. If tickets were issued, these 'high stakes' incidents would disappear.

These for documents were attached to my Contested Case Hearing Petition but did show up in on the posted submittal so I want to make sure the Board sees them.

1. DNNR Chair Suzanne Case Testimony that DOCARE officers are the only qualified persons will the ability to issue parking tickets in State Harbors, because Harbor Agents were found to be 'biased'.
2. City and County, Financial Chief Kawano's warning that allowing DOBOR to make their own parking contracts outside of normal procurement is a bad idea. Although, the Legislature voted against DLNR Direct contract negotiations, somehow this 'power' was added to Act 163
3. DOBOR says they have begun negotiations with Secure Parking before the Direct Issuance RFP was even open for bids.

I would like Attach the following documents in today written testimony:

- A) What is actual business name of 'Secure', Did the name change during the contract?
- B) Social media post (about being towed in Ma'alaea Harbor and how Secure offers to remedy)
- C) Brown v Thompson (1991)

Thank you for allowing me to testify. I truly appreciate you the opportunity to for this public access forum that allows earnest look at Parking and Towing in our State Boat Harbors.

Mahalo for serving on the Board of Land and Natural Resources.

Sincerely,

Kate Thompson

Retired Registered Nurse and long-time boater in the State of Hawaii

808-387-0321

Please feel free to call or email me anytime about harbor issues.



DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
SUZANNE D. CASE  
Chairperson

Before the House Committee on  
WATER & LAND

Tuesday, March 22, 2022  
9:30 AM

State Capitol, Conference Room 430, Via Videoconference

**In consideration of  
HOUSE CONCURRENT RESOLUTION 176/HOUSE RESOLUTION 176  
URGING THE BOARD OF LAND AND NATURAL RESOURCES TO APPOINT  
HARBOR AGENTS AS ENFORCEMENT OFFICERS FOR THE PURPOSES OF  
ENFORCING PARKING VIOLATIONS AT SMALL BOAT HARBORS IN THE STATE.**

House Concurrent Resolution 176/House Resolution 176 urge the Board of Land and Natural Resources to appoint Harbor Agents as Enforcement Officers to enforce parking violations at state small boat harbors. **The Department of Land and Natural Resources (Department) appreciates the intent of these measures and offers comments.**

When the Small Boat Harbor Program was under Department of Transportation (DOT) jurisdiction, Harbor Agents had authority to cite for parking violations at small boat harbors. However, due to complaints of favoritism and arbitrary citing, the authority was revoked. Additionally, sworn law enforcement officers are trained to provide court testimony, while Harbor Agents are not. In the event a citation is challenged in court, the Department has concerns about the ability of its Harbor Agents to attend and testify in court. The Department's Division of Conservation and Resources Enforcement provides comprehensive training to its officers so that they are equipped to handle all types of enforcement tasks, including parking enforcement and providing court testimony. The Department therefore believes that parking enforcement authority should remain with sworn law enforcement officers only.

Additionally, the Department encountered issues with accepting parking payments due to parking vendor interruptions. Without also being able to address this issue, the Department may not be able to determine which vehicles are violating parking regulations.

Thank you for the opportunity to comment on these measures.

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

M. KALEO MANUEL  
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<b>BLNR – Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC at Maalaea Small Boat Harbor</b> <span style="float: right;"><b>January 26, 2024</b></span>	
<p>concurring by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an Environmental Assessment pursuant to General Exemption Type 1, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," Part 1, Item No. 44, which states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."</p>	
<p><b><u>BACKGROUND:</u></b></p>	
<p>At its meeting on February 25, 2022, under agenda Item J-2, the Board approved the issuance of a revocable permit ("RP") to Secure Parking Hawaii LLC for management of vehicle parking at the Maalaea Small Boat Harbor from March 1, 2022, through February 28, 2023.</p>	
<p>On June 27, 2022, Act.163 (2022) was enacted.</p>	
<p>Act 163 (2022) states, in relevant part, "exempts certain operations of ground transportation services and parking lot operations at small boat harbors from the sealed bid requirements." This allows DOBOR to negotiate directly with a parking management company to run the parking operation at the Maalaea Small Boat Harbor. See <b>Exhibit B</b>.</p>	
<p>Staff has begun the process to directly negotiate a contract with a parking management company. It plans to publish a Request for Interest (RFI) to solicit interest from parking vendors on February 02, 2024, February 03, 2024, and February 04, 2024. Staff will then select a vendor, with whom to conduct negotiations, from the responses generated from the RFI. Once a contract has been negotiated and approved by the Board of Land and Natural Resources, the Department of the Attorney General will draft the contract.</p>	
<p>The applicant is current on their rent payments and has demonstrated good stewardship of the Maalaea Small Boat Harbor parking facility.</p>	

Today's Additional attachments: #A

## Overview

**Doing Business As:** CONCIERGE CAR WASH

**Company Description:**

**Key Principal:** Kelvin Tjia [See more contacts >](#)

**Industry:** [Other Personal Services](#), [Personal and Laundry Services](#), [Other Services \(except Public Administration\)](#), Parking lots

**See other industries within the Other Services (except Public Administration) sector:** [Automotive Repair and Maintenance](#), [Business, Professional, Labor, Political, and Similar Organizations](#), [Civic and Social Organizations](#), [Commercial and Industrial Machinery and Equipment \(except Automotive and Electronic\) Repair and Maintenance](#), [Death Care Services](#), [Drycleaning and Laundry Services](#), [Electronic and Precision Equipment Repair and Maintenance](#), [Grantmaking and Giving Services](#)

[View more](#)

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**Address:** 529 Koula St Honolulu, HI, 96813-5310 United States

**Phone:**

**Website:** [www.secureparkinghi.com](http://www.secureparkinghi.com)

**Employees (this site):**

Modelled

**Employees (all sites):**

Modelled

**Revenue:** Modelled

**Year Started:**

**ESG ranking:**

ESG industry average **(866) 258-3217**



Attachment # B Social Media Company review and offer to 'remedy'.

Search Google Maps



**nicole vernon**

20 contributions >



Looking for your own reviews and photos?  
You can contribute on Google Maps too!



Reviews

Photos



**Ma'alaea Boat Harbor Parking managed by Se...**  
101 Maalaea Rd, Wailuku, HI 96793

★☆☆☆☆ 5 months ago

Like others said, something is very off with this parking lot!! Came back from a great boat day and our car was gone. Yet our credit card has 7 different holds from ParkWhiz. After contacting them, they have no record of our license plate number. This makes no sense, as you have to put in a license plate number to pay!!! Currently waiting to Uber my family, on my daughters birthday, to now have to pay to get our car back.

Like

Share

**Response from the owner** 5 months ago

We sincerely apologize for the inconvenience and distress you experienced, especially on such an important day for your family. We want to make this right. Please reach out to us directly at 808-517-1311 or support@secureparkinghi.com with more details about your experience so we can investigate the issue and resolve it as quickly as possible. Thank you for bringing this to our attention.



## Attachment # C

### Brown V Thompson (Thompson was a DLNR employee, 1991)

- [§200-48] Derelict vessel.** A vessel which has been left unattended for a continuous period of more than twenty-four hours is a derelict if:
- (1) The vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering life or property; or
  - (2) The vessel has been moored or otherwise left in the waters of the State or on public property contrary to law, or rules having the force and effect of law, or the vessel has been left on private property without authorization of the owner or occupant of the property and if:
    - (A) The vessel's registration certificate or marine document has expired and the registered owner no longer resided at the address listed in the vessel registration or marine document records of the department or the United States Coast Guard;
    - (B) The last registered owner of record disclaims ownership and the current owner's name or address cannot be determined;
    - (C) The vessel identification numbers and other means of identification have been removed so as to hinder or nullify efforts to locate or identify the owner; or
    - (D) The vessel registration records of the department and the marine document records of the United States Coast Guard contain no record that the vessel has ever been registered or documented and the owner's name or address cannot be determined. [L 1991, c 272, pt of §2]

#### Case Notes

A vessel and its accompanying mooring and live-aboard permits are constitutionally protected "property", of which an individual may not be deprived without notice and an opportunity to be heard. 91 H. 1, 979 P.2d 586 (1999).

Where an owner's right to a hearing subsequent to impoundment of a derelict vessel was not clearly established under §200-49, this section, or other law at the time of state boating officer's actions, it was not unreasonable for officers to have believed it was lawful to dispose of vessel without a hearing; thus officers, in individual capacities, entitled to qualified immunity in 42 U.S.C. §1983 action. 91 H. 1, 979 P.2d 586 (1999).

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**From:** [Tina Wildberger](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Small Harbor Predatory Parking Enforcement Demand for contested case hearing and opposing J1 & J2  
**Date:** Wednesday, January 8, 2025 3:37:34 PM

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Aloha BLNR Chair & Members,

In opposition for your agenda items J1 & J2. In support of granting contested case hearing.

Paid parking at the small boat harbors isn't the issue. Everyone wants to see DOBoR properly funded to maintain our facilities that generate a great deal of economic activity around the state.

Asking folks to pay moderate rates to park their vehicles is a reasonable ask.

What isn't remotely reasonable is the fact that a mafioso style grift has been put in place to shake down parkers of cars at our harbors with the only penalty for running out of time, forgetting to pay maybe \$10 parking fees in advance, or making a technical error on the paid parking site is a **Vehicle Tow**.

There is no one writing reasonable tickets for parking infractions. There is only towing of cars. Perhaps other penalties should be considered. For instance, how about the death penalty for failing to use your turn signal or, 20 years to life for rolling through a stop sign?

A contested case hearing is needed to rein-in the DOBoR Mafia. Donna Meghan Stats has taken this grift too far. Ask her how many cars they have towed. Ask her how many parking tickets have been written. It's unacceptable for this data to be withheld from the public. Every permittee has paid for this program. Where is the competitive bid for the tow company?

BLNR must stop this tow-only extreme abuse of power. If a vehicle has unpaid tickets, by all means tow. If a vehicle is a repeat offender, like three strikes, by all means tow. But this organized crime syndicate set-up colluding with local tow companies with no eyes on the perpetrators is a gross misuse of state resources.

I beseech you to stop the madness. In New Orleans, they have little boots you can put on the wheel of a vehicle that can be removed when the offending Parker corrects their parking charges at the kiosk. Do something like this.

On Maui, the tow location is a very scary and remote place, nowhere some unwitting family wants to go because their parking expired fifteen minutes before they returned to their car. Predatory treatment of small boat harbor users does not exactly scream Aloha Spirit. BLNR's tacit approval of this outrageous usury makes the Director look bad. It makes DoBOR look like criminals. Our small boat harbors are not fiefdoms for the economic extraction by a unsupervised department Director. Where is the \$1million in tow fees revenue going? Have y'all seen the paper trail? It plays like a sit-com. Ridiculous.

Mahalo,  
Tina Wildberger  
808-870-1739  
[tw@tinawildberger.com](mailto:tw@tinawildberger.com)

