

From: [Bernie Bays](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Cain, Michael](#); [Fitzpatrick, Trevor J](#); [Mike Foley \(mfoley@OCEANIT.com\)](#); [Eric Robinson](#); [Heidi Wurm](#)
Subject: [EXTERNAL] KUAEHU CONDOMINIUM
Date: Tuesday, October 7, 2025 4:30:25 PM

I have been asked to represent the Kuaehu Condominium and its two owners, Leland Wigington, Jr. and David West, regarding the violations alleged against them scheduled to be heard on October 10. I expect that I will be retained this week, but I doubt that we will be able to request and obtain a waiver from the State in time for me to represent them at the hearing.

Their adjoining neighbor, Christine Benidt, has retained Mike Foley to develop a beach restoration plan that includes at least the Kuaehu property, the Benidt property and another neighboring property owned by Keith Lizama. The project may be further expanded to include other properties, if necessary as the plan is developed. Mr. Foley obtained an extension of time to develop the shoreline restoration plan for Christine Benidt until July 20, 2026, shortly before he left Oceanit. Although the proposed plan was always to include the Kuaehu property, Mr. Foley was not aware that the Kuaehu condo was paying part of his fee in order to be included in the plan and the extension of time within which to prepare it. Mike now cannot talk to OCCL about the plan to the extent it involves the Kuaehu property, which it does, because of the violation. This has stymied his planning efforts.

In addition, Leland's house in Malibu was partially burned and he has not been able to return to date. The post office was also partially burned and is still closed. He did not receive notice of the alleged violations or the potential imposing of fines. David also did not receive notice because it was sent to the wrong address. They learned about this very recently and contacted me to represent them.

It is expected that the planning and execution of the shoreline restoration plan will cost a great deal of money. Because the hearing on this matter will be delayed, I would like to explore including the Kuaehu property in the plan being prepared by Mike with the July 20, 2026 deadline. This will enable Mike to talk to OCCL about the Kuaehu property and proceed with his planning efforts.

I want to emphasize that these new owners are committed to addressing the violations and funding the shoreline restoration project. Thank you for considering the confluence of unusual circumstances presented in this situation.

Respectfully,

Bernard Bays

Starn O'Toole Marcus & Fisher
A Law Corporation
Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 1900
Honolulu, HI 96813
Email: abb@starnlaw.com

Telephone: (808) 537-6100
Facsimile: (808) 537-5434
Website: www.starnlaw.com

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