

# NOTICE TO REQUESTER

**TO :** Iwasa, Natalie

**FROM :** Department of Planning and Permitting, City and County of Honolulu  
JOCELYN GODOY - Fasi Municipal Building, 1st Flr, Data Access & Imaging Branch  
(808)-768-8277

**DATE REQUEST RECEIVED :** September 21, 2020

**DATE OF THIS NOTICE :** October 14, 2020

**GOVERNMENT RECORDS YOU REQUESTED** (attach copy of request or provide brief description below) :

Petition 2020/ZBA-10, which was on the Zoning Board of Appeals agenda for their 9/16/20 meeting.

**NOTICE IS PROVIDED TO YOU THAT YOUR REQUEST :**

**Will be granted in its entirety.**

**Cannot be granted because**

Agency does not maintain the records. Agency believed to maintain records :

Agency needs a further description or clarification of the records requested. Please contact the agency and provide the following information :

Request requires agency to create a summary or compilation from records not readily retrievable.

**Is denied in its entirety.**

**Will be granted only as to certain parts.**

Based upon the following exemption provided in HRS § 92F-13 and/or § 92F-22 and other laws cited below (portions of records that agency will not disclose should be described in general terms).

## REQUESTER'S RESPONSIBILITIES :

You are required to (1) pay any lawful fees assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested. If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to process your request, you may be liable for any fees incurred. If you wish to cancel or modify your request, you must advise the agency upon receipt of this notice.

**METHOD & TIMING OF DISCLOSURE :**

Records available for public access in their entireties must be disclosed within a reasonable time, not to exceed 10 business days of this notice or after receipt of any prepayment required. If incremental disclosure is authorized by HAR § 2-71-15, the first increment must be disclosed within 5 business days of this notice or after receipt of any prepayment required.

**Method of Disclosure :**

- Inspection at the following location : \_\_\_\_\_
- As granted, a copy of the record(s) will be provided in the following manner :
  - Available for pick-up at the following location: Department of Planning and Permitting, 650 S. King St, 1st Floor, Mauka Office, Frank F. Fasi Municipal Building, Honolulu, HI.
  - Will be mailed to you.
  - Will be transmitted to you by other means requested :

**Timing of Disclosure :**

All records granted, or first increment where applicable, will be made available or provided to you:

- On October 8, 2020

**Total payment of fees and costs of \$ 0.00**

**Payment may be made by :**

- Cash       Other (Company Check, Certified Check, or Money Order)
- Personal Check (Local Banks Only)

For incremental disclosures each subsequent increment will be disclosed within 20 business days after :

- The prior increment (if one prepayment of fees is required and received).
- Receipt of each incremental prepayment required.

Disclosure is being made in increments because the records are voluminous and the following extenuating circumstances exist:

- Agency must consult with another person to determine whether the record is exempt from disclosure under HRS chapter 92F.
- Request requires extensive agency efforts to search, review, or segregate the records or otherwise prepare the records for inspection or copying.
- Agency requires additional time to respond to the request in order to avoid an unreasonable interference with its other statutory duties and functions.
- A natural disaster or other situation beyond agency's control prevents agency from responding to the request within 10 business days.

**ESTIMATED FEES & COSTS :**

The agency is authorized to charge you certain fees and costs to process your request (even if no record is subsequently found to exist), but must waive the first \$30 in fees assessed for general requesters and the first \$60 in fees when the agency finds the request made is in the public interest. See HAR §§ 2-71-19, -31 and -32. The agency may require prepayment of 50% of the total estimated fees and 100% of the total estimated costs prior to processing your request. The following is the estimate of the fees and costs that the agency will charge you, with the applicable waiver amount deducted:

<b>Fees :</b>	Search	Estimate of time to be spent (min) :	<u>15</u>	<u>\$2.50</u>
		(\$2.50 for each 15-minute period)		
	Review & Segregation	Estimate of time to be spent (min) :	<u>0</u>	<u>\$0.00</u>
		(\$5.00 for each 15-minute period)		
	Fees waived	<input checked="" type="checkbox"/> general (\$30)	<input type="checkbox"/> public interest (\$60)	<u>(\$30.00)</u>

Other :  
0 \$0.00  
 (Pursuant to HAR § 2-7-31 (B) )

**Total Estimated Fees :** \$0.00

<b>Costs :</b>	Copying	Estimate of # of pages to be copied :	<u>0</u>	
		Paper sizes up to 8.5" x 14"		
		# of first pages (BW) @ \$ .50 per page for	<u>0</u>	pages = \$ <u>0.00</u>
		# of additional pages (BW) @ \$ .25 per page for	<u>0</u>	pages = \$ <u>0.00</u>
		# of color pages @ \$ 1.00 per page for	<u>0</u>	pages = \$ <u>0.00</u>

		Paper sizes - 11" x 17"		
		# of pages (BW) @ \$ 3.00 per page for	<u>0</u>	pages = \$ <u>0.00</u>
		# of color pages @ \$ 4.00 per page for	<u>0</u>	pages = \$ <u>0.00</u>

		Paper sizes - 12" x 18" up to 24" x 36"		
		# of pages (BW) @ \$ 5.00 per page for	<u>0</u>	pages = \$ <u>0.00</u>
		Paper size - over 24" x 36"	<u>0</u>	pages = \$ <u>0.00</u>

Other	Estimate of # of documents for Certification:			
	@ \$ .50 per page for	<u>0</u>	pages = \$	<u>0.00</u>
	Reproduction fee @ \$5.00 per 10 min.	<u>0</u>	mins = \$	<u>0.00</u>

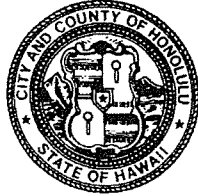
**Total Estimated Costs :** \$0.00

**Total of Fees and Costs :** \$0.00

**ZONING BOARD OF APPEALS**  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8006 • FAX: (808) 768-4663

KIRK CALDWELL  
MAYOR



LYLE M. ISHIDA, Chair  
KEN C. KAWAHARA, Vice-Chair  
GLADYS Q. MARRONE  
LONDON D. KANESHIRO

2020/ZBA-10

September 22, 2020

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**7015 1660 0000 3819 3907**

Christine D. Weger, Esq.  
Diehl & Weger AAL, ALC  
6700 Kalaniana'ole Highway, Suite 208  
Honolulu, Hawaii 96825

RE: Notice of Contested Case Hearing Schedule  
Notice of Violation 2020/NOV-07-008 (HC)  
Notice of Order – 2020/NOO-269  
1078 Oilipuu Place – Honolulu/Hawaii Kai  
Tax Map Key: 3-9-081:005 (POID 132416)

Dear Ms. Weger:

At its meeting on September 17, 2020, the Zoning Board of Appeals ("ZBA") adopted the hearing schedule for the above appeal. The contested case hearing will be held on Thursday, **November 12, 2020**, at 12:30 p.m., in the Mission Memorial Auditorium, 550 South King Street, Honolulu, Hawaii.

The Petitioner's Position Statement must be filed on or before 4:30 p.m. on **October 22, 2020**, and the Director's Position Statement must be filed on or before 4:30 p.m. on **October 29, 2020**.

The Position Statement must include the following:

1. A limited statement of facts together with any argument and a list of issues of the case, all of which shall not exceed a total of eight pages double-spaced.

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- Adult Signature Required \$ \_\_\_\_\_
- Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage \$ 55

Total Postage \$ 55

Sent To Christine D. Weger, Esq.

Diehl & Weger AAL, ALC

6700 Kalanianaʻole Highway, Suite 208

Honolulu, Hawaii 96825

City, State, ZIP+

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www.usps.com

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Christine D. Weger, Esq.  
Page 2  
September 22, 2020

2. A list of witnesses and a statement of what each witness will testify about, all of which shall not exceed a total of ten pages double-spaced.
3. All exhibits which will be introduced at the hearing.


Pursuant to Rule 22-4(f) of the Zoning Board of Appeals Rules, each party shall file an original and 6 (six) copies of each document with the ZBA. All documents are to be filed at the Department of Planning and Permitting, Frank F. Fasi Municipal Building, 7<sup>th</sup> Floor, 650 South King Street, Honolulu, Hawaii.

Additionally, each party shall provide copies of all documents to all other parties to the appeal, and shall file a certification with the board attesting to the transmittal of the document and including the following information:

1. The name of the document;
2. The date and manner of transmittal;
3. The name and address to which the document was transmitted.

If you have any questions, please contact Dawn D. M. Spurlin, Deputy Corporation Counsel for the ZBA, at 768-5296.

Very truly yours,

  
For LYLE M. ISHIDA, Chair  
Zoning Board of Appeals

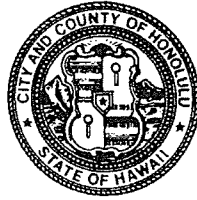
LMI:gt

cc: Molly Stebbins, Deputy Corporation Counsel  
Dawn D. M. Spurlin, Deputy Corporation Counsel for the Zoning Board of Appeals

**ZONING BOARD OF APPEALS**  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8006 • FAX: (808) 768-4663

KIRK CALDWELL  
MAYOR



LYLE M. ISHIDA, Chair  
KEN C. KAWAHARA, Vice-Chair  
GLADYS Q. MARRONE  
LONDON D. KANESHIRO

2020/ZBA-10

September 22, 2020

Christine D. Weger, Esq.  
Diehl & Weger AAL, ALC  
6700 Kalanianaʻole Highway, Suite 208  
Honolulu, Hawaii 96825

RE: Notice of Contested Case Hearing Schedule  
Notice of Violation 2020/NOV-07-008 (HC)  
Notice of Order – 2020/NOO-269  
1078 Oilipuu Place – Honolulu/Hawaii Kai  
Tax Map Key: 3-9-081:005 (POID 132416)

Dear Ms. Weger:

The Zoning Board of Appeals ("ZBA") received Check No. 6159 in the amount of \$400.00 for payment of the filing fee for the above appeal to the ZBA. Enclosed is Receipt No. 128478 for your payment of the filing fee.

If you have any questions, please contact Jeanne Sumida, Secretary to the ZBA, at 768-8006.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lyle M. Ishida", is written over a horizontal line.

For LYLE M. ISHIDA, Chair  
Zoning Board of Appeals

LMI:gt  
Enclosure: Official Receipt No. 128478

cc: Dawn D. M. Spurlin, Deputy Corporation Counsel for the ZBA

OFFICIAL RECEIPT  
DEPARTMENT OF PLANNING AND PERMITTING  
CITY AND COUNTY OF HONOLULU

128478

Date: Sept 21, 2020

Received From: Diehl & Weger

Four hundred and no/100 DOLLARS

For: 2020/ZBA-10

Tax Map Key: 3-9-081:005

\$400.00

BOH - Hawaii Kai - ✓ #6159

[Signature]  
DEPARTMENT OF PLANNING AND PERMITTING

**DIEHL & WEGER, AAL, ALC**

**6159**

City and County of Honolulu

Check Date Aug 6, 2020

Item to be Paid - Description

Check Amount \$400.00

Discount Take Amount Paid

Client Expense: Filing Fees

400.00



AUG 13 11:35 AM

**DIEHL AND WEGER**

ATTORNEYS AT LAW  
A Law Corporation  
Hawaii Kai Executive Plaza • Suite 208  
6700 Kalaniana'ole Highway  
Honolulu, Hawaii 96825

Richard J. Diehl  
Christine D. Weger

Telephone (808) 396-4080  
Facsimile (808) 395-4440

TRANSMITTAL MEMORANDUM

August 6, 2020

To: CITY AND COUNTY OF HONOLULU  
ZONING BOARD OF APPEALS  
ATTN: Jeanne Sumida

Re:

ORIGINAL	COPIES	DESCRIPTION
1		Check No. 6159 (\$400.00)

TRANSMITTED FOR:

- |                                                                  |                                                        |
|------------------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Your Information                        | <input type="checkbox"/> Per Our Conversation          |
| <input type="checkbox"/> Your Files                              | <input type="checkbox"/> Your Further Necessary Action |
| <input type="checkbox"/> Your Signature and Return               | <input type="checkbox"/> Per Your Request              |
| <input type="checkbox"/> Signature and Forwarding as Noted Below | <input type="checkbox"/> Your Approval                 |
| <input checked="" type="checkbox"/> Filing                       | <input type="checkbox"/> Your Review and Comment       |
|                                                                  | <input type="checkbox"/> See Remarks Below             |

REMARKS:

Enclosed is our check for the filing fee for the appeal of Thomas Palmer and Mati Sapolu-Palmer of Notice of Order No. 2020/NOO-269.

Thank you for your assistance.



HONOLULU  
 3600 AOOLELE ST RM 208C  
 HONOLULU, HI 96820-9998  
 (800)275-8777

08/12/2020

06:59 PM

Product	Qty	Unit Price	Price
Prepaid Mail	1		\$0.00
Honolulu, HI 96825			
Weight: 0 lbs. 2.80 oz.			
Acceptance Date			
Wed 08/12/2020			
USPS Tracking #			
7019 2280 0001 9646 1802			
Total			\$0.00

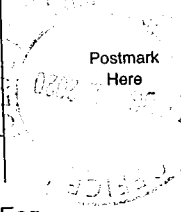
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<input type="checkbox"/> Adult Signature Required \$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>1.40</u>	
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Street and Apt. N Hawaii Kai Executive Plaza	
City, State, ZIP+4® 6700 Kalaniana'ole Highway, Suite 201 Honolulu, Hawaii 96825	

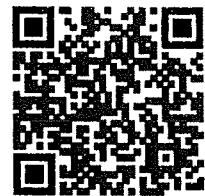
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YOUR OPINION COUNTS

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 Receipt #: 840-59670094-9-9123298-1  
 Clerk: 38

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**Tracking Number:** 70192280000196461802

[Remove X](#)

Your item was delivered to an individual at the address at 10:23 am on August 14, 2020 in HONOLULU, HI 96825.

### **Delivered**

August 14, 2020 at 10:23 am  
Delivered, Left with Individual  
HONOLULU, HI 96825

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Feedback

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**Text & Email Updates** 

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**Tracking History** 

August 14, 2020, 10:23 am  
Delivered, Left with Individual  
HONOLULU, HI 96825

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August 14, 2020, 7:10 am  
Out for Delivery  
HONOLULU, HI 96825

August 14, 2020, 6:33 am

Arrived at Unit

HONOLULU, HI 96825

August 13, 2020, 7:59 pm

Departed USPS Regional Facility

HONOLULU HI DISTRIBUTION CENTER

August 13, 2020

In Transit to Next Facility

August 12, 2020, 10:51 pm

Arrived at USPS Regional Facility

HONOLULU HI DISTRIBUTION CENTER

August 12, 2020, 6:59 pm

USPS in possession of item

HONOLULU, HI 96820

Feedback

Product Information



See Less ^

## Can't find what you're looking for?

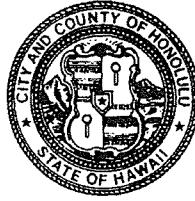
Go to our FAQs section to find answers to your tracking questions.

**FAQs**

**ZONING BOARD OF APPEALS  
CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8006 • FAX: (808) 768-4663

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MAYOR



LYLE M. ISHIDA, Chair  
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GLADYS Q. MARRONE  
LONDON D. KANESHIRO

2020/ZBA-10

August 12, 2020

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7019 2280 0001 9646 1802**

Christine D. Weger, Esq.  
Diehl & Weger AAL, ALC  
6700 Kalanianaʻole Highway, Suite 208  
Honolulu, Hawaii 96825

RE: Notice of Contested Case Hearing Schedule  
Notice of Violation 2020/NOV-07-008 (HC)  
Notice of Order – 2020/NOO-269  
1078 Oilipuu Place – Honolulu/Hawaii Kai  
Tax Map Key: 3-9-081:005 (POID 132416)

Dear Ms. Weger:

Please take notice that the Zoning Board of Appeals of the City and County of Honolulu ("ZBA") will hold a contested case hearing to consider the petition you filed on behalf of your clients, Thomas D. Palmer, individually and as Trustee of the Thomas D. Palmer Trust and Mati Sapolu-Palmer, individually and as Trustee of the Mati Sapolu-Palmer Trust ("Petitioners") appealing Notice of Violation 2020/NOV-07-008 dated July 7, 2020 and Notice of Order 2020/NOO-269 dated July 7, 2020 issued by the Director of Planning and Permitting ("Director").

In connection with the aforesaid hearing, notice is given of the following:

1. The contested case hearing will be held on **Thursday, November 12, 2020** at 12:30 p.m., or as soon thereafter as the matter can be heard, in the Mission Memorial Conference Room, Mission Memorial Building, 550 South King Street, Honolulu, Hawaii 96813 ("Mission Memorial") at which time the ZBA will receive and consider evidence and argument on the issues involved in the appeal.

2. The hearing is to be held under the authority of Section 6-1516 of the Revised Charter of the City and County of Honolulu 1973 (2017 ed.), Rule 22-4(c) of the Rules of the Zoning Board of Appeals, and Chapter 91, Hawaii Revised Statutes, as amended.

3. A meeting for adoption of the contested case hearing schedule, the deadlines for filing of documents, and to address any procedural issues concerning the contested case hearing will be held on **Thursday, September 17, 2020** at 12:30 p.m., in the Mission Memorial Conference Room. **Please attend this meeting.**

4. On July 7, 2020, the Director issued Notice of Violation 2020/NOV-07-008 ("NOV") for 1078 Oilipuu Place. The NOV states as follows:

Codes and/or Ordinance(s) and Section(s)	Violation(s)
ROH 1990, as amended, Chapter 21 Section 21-5_(d)(2)(D) (as adopted under ordinance 19-18)  Remove all illegal advertisements immediately.	Unpermitted bed and breakfast or transient vacation unit is being advertised for rental periods of less than 30 consecutive days.

5. On July 7, 2020, the Director issued a Notice of Order 2020/NOO-269 ("NOO") which ordered payment of a daily fine of \$10,000 until the violation is corrected.

6. The particular section of the ROH applicable to this appeal is Section 21-5.730(d)(2)(D).

7. The issue to be addressed in this appeal is:

Whether the action of the Director in issuing Notice of Violation 2020/NOV-07-008 and Notice of Order 2020/NOO-269 for violation of ROH Section 21-5.730(d)(2)(D) was based on erroneous finding of a material fact, or whether the Director acted in an arbitrary or capricious manner, or manifestly abused his discretion?

8. You are required to file a position statement by 4:30 p.m., **Thursday, October 22, 2020** with the Department of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, Hawaii 96813.

9. The position statement shall include the following:

- a. A limited Statement of Facts together with any argument and a list of issues of the case, all of which shall not exceed a total of eight pages double-spaced.
- b. A list of witnesses and a statement of what each witness will testify about, all of which shall not exceed a total of ten pages double-spaced.
- c. All exhibits which will be introduced at the hearing.

10. Each party shall provide the original and 6 copies of each document submitted to the ZBA for filing. Additionally, a copy of each document shall be served on each of the other parties or their attorneys or representatives.

11. We will forward your petition to the Department of Corporation Counsel. The Corporation Counsel will designate a deputy corporation counsel to represent the Director before the ZBA. You may contact Jeanne Sumida, the ZBA's secretary, at (808) 768-8006, for the name of the deputy corporation counsel assigned to represent the Director.

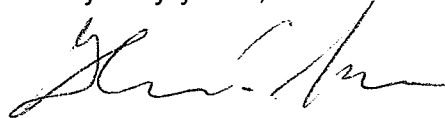
12. You have the right to retain counsel, if you so desire. An individual may appear on his own behalf, or a member of the partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent said entity, provided the employee is authorized in writing, to represent the corporation, trust or association.

13. As a reminder, ZBA staff is not allowed to give legal advice, recommend specific action, interpret legal terminology, or encourage or discourage litigation.

Christine D. Weger, Esq.  
Page 4  
August 12, 2020

14. If you have any questions concerning the contested case hearing, you may contact Dawn D. M. Spurlin, Deputy Corporation Counsel, for the ZBA at (808) 768-5296.

Very truly yours,



For LYLE M. ISHIDA, Chair  
Zoning Board of Appeals

LMI:gt  
Attach

cc: Kathy Sokugawa, Director of Planning and Permitting (via hand-delivery with enclosed copy of petition)  
Corporation Counsel



**Sumida, Jeanne O.**

---

**From:** Sumida, Jeanne O.  
**Sent:** Wednesday, August 05, 2020 2:26 PM  
**To:** 'Christine Weger'  
**Cc:** Spurlin, Dawn D. M.  
**Subject:** RE: Palmer - Petition for Appeal filing  
**Attachments:** DOC001 (140).pdf

Hi Ms. Weger,

Attached is a time-stamped copy of your appeal. I forgot to mention that there is also a \$400.00 filing fee for appeals to the Zoning Board of Appeals. Checks should be made payable to the "City and County of Honolulu."

Thank you,  
jeanne

**From:** Christine Weger [mailto:cweger@diehlandweger.com]  
**Sent:** Wednesday, August 05, 2020 1:43 PM  
**To:** Sumida, Jeanne O.  
**Subject:** Palmer - Petition for Appeal filing

Aloha, Ms. Sumida, thank you for your assistance yesterday regarding the possibility of filing a petition to appeal a short term rental order of DPP by e-mail.

Please find attached for filing the Petition and accompanying Exhibits.

Please be so kind as to acknowledge receipt and let me know if you require further information.

Christine

Christine D. Weger  
Diehl & Weger AAL, ALC  
6700 Kalaniana'ole Hwy, Suite 208  
Honolulu, HI 96825  
(808)396-4080  
(808)395-4440 (fax)

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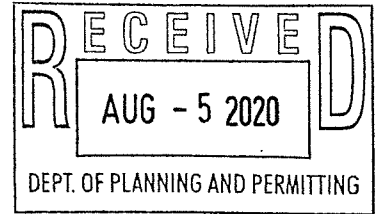
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Any advice contained in this e-mail or any attachment is not intended or written to be used, and cannot be used to avoid penalties imposed under the Internal Revenue Code.

ZONING BOARD OF APPEALS  
CITY AND COUNTY OF HONOLULU  
STATE OF HAWAII

IN THE MATTER OF THE APPEAL OF )  
NOTICE OF ORDER NO. 2020/NOO-269 )  
NOTICE OF VIOLATION NO. )  
2020/NOV-07-008 (HC) )  
THOMAS D. PALMER TRUST AND MATI )  
SAPOLU-PALMER TRUST )



PETITION TO APPEAL DPP NOTICES OF ORDER DATED JULY 7, 2020 AND FINES  
ASSESSED JULY 22, 2020 CONCERNING SHORT-TERM RENTAL

COMES NOW, Thomas D. Palmer, individually and as Trustee of the Thomas D.  
Palmer Trust and Mati Sapolu-Palmer, individually and as Trustee of the Mati Sapolu-  
Palmer Trust as Petitioners and Appellants herein by and through their counsel,  
Christine D. Weger, Esq. who files this Administrative Appeal of the aforesaid Orders.

1. Petitioners are Thomas D. Palmer and Mati Sapolu-Palmer of 1078 Oilipuu Place, Honolulu, HI 96825, (808) 203-0776. The Petitioners/Appellants are residents of the City and County of Honolulu in the State of Hawaii.
2. The property in question is the Petitioner's primary residence located at 1078 Oilipuu Place, Honolulu, HI 96825, TMK 3-9-081.
3. Petitioner's own the property as Trustees of their respective revocable trusts, the Thomas D. Palmer Trust and the Mati Sapolu-Palmer Trust.
4. On or about July 7, 2020, the Petitioners were issued a Notice of Order and a Notice of Violation. Those Notices are attached hereto and incorporated herein by reference as Exhibit A. On or about July 22, 2020, the Petitioners were issued a Notice of Order and Notice of Violation attached hereto and incorporated herein by reference as Exhibit B.

5. The Petitioners are adversely affected by the DPP Notice of Order dated July 7, 2020 [2020/NNOO-269] finding that Petitioners advertised an unpermitted bed and breakfast or transient vacation unit for periods of less than 30 consecutive days.

6. Petitioners are adversely affected by the imposition of a fine in the amount of \$50,000 (5 days at \$10,000 per day) as noticed by letter dated July 22, 2020 (2020/NOO-269(AA)).

7. Said Notice and Order were issued under ROH 1990, as amended, Chapter 21, Section 21-5 (d)(2)(D) as adopted under Ordinance 19-18.

8. Petitioners have made continuing good faith efforts to have the hosting platform alter the listing of the subject property to list it as only available for periods of 30 or more days.

9. When Petitioners received requests through the platform for short term rentals after the date of initial Notice of Violation [NOV No. 2019/NOV-09-216], Petitioners refused all such requests, specifically citing the fact that short-term rentals of this property were illegal under Ordinance 19-18.

10. Petitioners completely blocked out major time periods as completely unavailable on the platform in an effort to remedy the problem.

11. Petitioners did not delete the listing, having a good faith belief that the problem was not a continuing one and in hopes of receiving requests for long-term rental through the platform.

12. Petitioners have made consistent and continuing efforts since the issuance of the Initial NOV to rent the subject property on a long-term basis, advertising

the property for long-term rentals on other online platforms and contracting with a rental management company to lease the property on a long-term basis.

13. The continued existence of the offending advertisement was without the Petitioners knowledge or consent.

14. The subject property was at no time between the issuance of the Initial NOV and the present date rented for a period of less than 30 days and was not used as a bed and breakfast home or transient vacation unit.

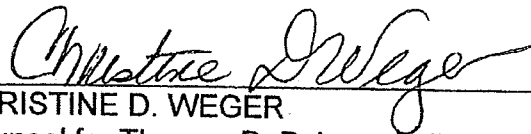
15. Petitioners acted promptly to request that listing on the platform be deleted in its entirety when they received the July 7, 2020 Notice of Order.

16. Petitioners believe that the DPP action was based on erroneous findings of material facts and/or that the DPP acted in an arbitrary or capricious manner or manifestly abused its discretion.

17. Petitioners therefore request that the Decision and Order of DPP be overturned on this appeal, or in the alternative that the fine be reduced.

18. Petitioners further request that the Board issue an interim order staying enforcement of the DPP Order pending this appeal in the interests of justice due to the likelihood of Petitioners prevailing on the merits of this appeal.

DATED: Honolulu, Hawaii, August 5, 2020.



CHRISTINE D. WEGER  
Counsel for Thomas D. Palmer, individually  
and as Trustee of the Thomas D. Palmer Trust  
and Mati Sapolu-Palmer, individually and as  
Trustee of the Mati Sapolu-Palmer Trust

Petitioners/Appellants



3/18

# Notice of Violation

(Short Term Rental)

Violation No.: 2020/NOV-07-008 (HC)

Date: July 07, 2020

Owner(s)

Palmer, Thomas D Trust & Sapolu-Palmer,  
 Mati Trust  
 1078 Oilipuu Place  
 Honolulu, HI 96825-2830

Contractor(s)

Tenant/Violator

Architect/Plan Maker

Lessee

Agent

Engineer

TMK: 3-9-081:005      1078 OILIPUU PL Honolulu / Hawaii Kal 96825

Specific Address of Violation: 1078 Oilipuu Place

User ID#: N/A

Number of Bedrooms: 1

**Advertisement Identifying Information:**

<https://www.airbnb.com/rooms/33745655>

<https://www.airbnb.com/rooms/33425931>

I have verified that on July 2, 2020, the above-described premises is advertised in violation of the following ordinance(s) of City and County of Honolulu because it is an unpermitted transient vacation unit advertised for rental periods of less than 3 consecutive days:

Codes and/or Ordinance(s)  
 and Section(s)

Violation(s)

ROH 1990, as amended, Chapter 21  
Section 21-5 (d) (2) (D) (as adopted  
under ordinance 19-18)

Unpermitted bed and breakfast or transient vacation unit is being advertised for rental periods of less than 30 consecutive days.

**Remove all illegal advertisements immediately.**

Please call the undersigned after the corrections have been made.  
**IMMEDIATE REFERRAL:** Recurring Violation

You are reminded that if no action is taken within the specified time:

1. A Notice of Order will be issued by the Department of Planning and Permitting imposing **CIVIL FINES**.
2. This matter may be referred to the Prosecuting Attorney and/or Corporation Counsel for appropriate action.

Special Instructions: Certified (or Registered) Mail  
 Return Receipt Requested  
 Dated Copy of Illegal Advertisement Attached

Previous Notice of Violation:  
 2019/NOV-09-216

Inspector

\_\_\_\_\_  
 Phone: \_\_\_\_\_  
 for the Director Department of Planning and Permitting

Inspector

*Karlee Kershner*  
 Karlee Kershner      Phone: 768-8161  
 for the Director Department of Planning and Permitting

7/13  
 Spoke w/ Karlee

a First letter from City & County

DEPARTMENT OF PLANNING AND PERMITTING  
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honolulu.gov](http://www.honolulu.gov) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

1/18

KIRK CALDWELL  
MAYOR

original



KATHY K. SOKUGAWA  
ACTING DIRECTOR

TIMOTHY F. T. HIU  
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7019 2280 0001 3716 5837

*[Handwritten signature]* Fran

Spoke to Fran  
July 13 at 768-8165  
~~203-0776~~  
Fran

NOTICE OF ORDER

NO.: 2020/NOO-269

DATE: July 7, 2020

TO: Owner/Contractor/Lessee/Tenant: \_\_\_\_\_  
Owner: Thomas D. Palmer Trust  
Mati Sapolu-Palmer Trust  
1078 Oilipuu Place  
Honolulu, Hawaii 96825-2830

Address of Violation: 1078 Oilipuu Place - Honolulu/Hawaii Kai

Tax Map Key: 3-9-081: 005 (POID 132416)

Description: An unpermitted bed and breakfast or transient vacation unit is being advertised for rental periods of less than 30 consecutive days.

The Department of Planning and Permitting (DPP) inspected the above-described structure(s) and/or premises and found a violation of one or more ordinances of the City and County of Honolulu. As a result, Notice of Violation (NOV) No. 2020/NOV-07-008 is hereby being issued (copy attached).

This is a recurring violation in which NOV No. 2019/NOV-09-216 was issued to you on October 7, 2019, for advertising an unpermitted bed and breakfast or transient vacation unit for a rental period of less than 30 consecutive days. Accordingly and pursuant to the authority granted by the Revised Ordinances of Honolulu, you are hereby ordered to:

1. Cease and desist immediately any bed and breakfast and/or transient vacation unit activity, and remove the rental solicitation listing from your website.
2. Pay a daily fine of \$10,000 until the violation is corrected. You are responsible for contacting the inspector, Karlee Kershner at (808) 768-8168, to verify the corrective action.

Check(s) (with the Notice of Order number noted on it) are payable to the City and County of Honolulu, and should be mailed or delivered to the Department of Planning and Permitting, 650 South King Street, 8th Floor, Honolulu, Hawaii 96813.

2/18

If the fine is not paid and/or the violation is not corrected by the due date, this matter may be referred to the Department of the Corporation Counsel for civil remedy and/or the Prosecuting Attorney's Office for criminal prosecution. When this order becomes final, all unpaid civil fines imposed by this order shall be added to the taxes, fees, and charges specified in Section 20-3-4 of the Department of Planning and Permitting's Rules Relating to Administration of Codes. Such taxes, fees, and charges include, but are not limited to, driver's license and vehicle registration fees, fees for permits issued under the City Land Use Ordinance (e.g., sign permits, conditional use permits, and variances) and fees for building, demolition, grading, grubbing, stockpiling, trenching, and excavation permits.

If the order is issued to more than one person, each person shall be jointly and severally liable for the full amount of any fine imposed by the order.

This order shall become final thirty (30) days after mailing. Before such time, any person affected by this order may file an administrative appeal of any provision in this order. Appeals shall include all appropriate remedies and may address the addition of unpaid fines to taxes, fees, or charges collected by the City. The failure to appeal this order within the specified time may result in a waiver of the right of appeal. An appeal does not suspend any provision of the order, including the imposition of the civil fines. Copies of the appeal rules are available at the DPP and Office of the City Clerk.

Should you have any questions regarding this order, please contact our Code Compliance Branch at (808) 768-8110.



Timothy F. T. Hiu  
Deputy Director

TFTH:ff

Attachment \_\_\_\_\_

cc: Airbnb, Attn: Matt Middlebrook

[1873377]

Clerk - Zoning Bd  
768-8006



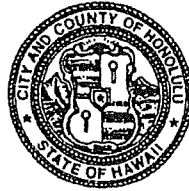
DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honolulu.gov](http://www.honolulu.gov) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

7/18

Letter arrived in  
my mail box 7/25/2020

KIRK CALDWELL  
MAYOR



KATHY K. SOKUGAWA  
ACTING DIRECTOR

TIMOTHY F. T. HIU  
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

2nd letter from City &  
County.

July 22, 2020

2020/NOO-269(AA)

Thomas D. Palmer Trust  
Mati Sapolu-Palmer Trust  
1078 Oilipuu Place  
Honolulu, Hawaii 96825-2830

Dear Thomas D. Palmer Trust and Mati Sapolu-Palmer Trust:

SUBJECT: Notice of Order (NOO) No. 2020/NOO-269  
Notice of Violation (NOV) No. 2020/NOV-07-008  
Outstanding Fine  
1078 Oilipuu Place - Honolulu/Hawaii Kai  
Tax Map Key 3-9-081: 005 (POID 132416)

The inspector has determined that the subject NOV was corrected on July 13, 2020, when a follow-up search revealed that the advertisement associated with the Airbnb link had been removed. Although the violation was resolved, daily fines in the amount of \$50,000 (5 days at \$10,000/day) are due and owing.

Please make your check, with the NOO number noted on it, payable to the City and County of Honolulu and send it to:

City and County of Honolulu  
Department of Planning and Permitting  
Attn: Code Compliance Branch  
650 South King Street, 8th Floor  
Honolulu, Hawaii 96813

If you do not respond within 30 days from the date of this letter, we may begin legal proceedings to place the amount of the fine (\$50,000) as an administrative lien on the property with foreclosure on the lien as an option for collection of the civil fine.

8/18

Thomas D. Palmer Trust  
Mati Sapolu-Palmer Trust  
July 22, 2020  
Page 2

Please be advised that any future violation of the same nature will be considered a recurring violation.

Should you have any questions, please contact Terry Hildebrand, of our Code Compliance Branch, at (808) 768-8110.

Very truly yours,



Eugene H. Takahashi  
Deputy Director

EHT:ff

[1879137]

**Sumida, Jeanne O.**

---

**From:** Christine Weger <cweger@diehlandweger.com>  
**Sent:** Wednesday, August 05, 2020 3:01 PM  
**To:** Sumida, Jeanne O.  
**Subject:** RE: Palmer - Petition for Appeal filing

Thank you Jeanne, I'll mail the check tomorrow to your attention at Honolulu Hale.

Chris

Christine D. Weger  
Diehl & Weger AAL, ALC  
6700 Kalaniana'ole Hwy, Suite 208  
Honolulu, HI 96825  
(808)396-4080  
(808)395-4440 (fax)

This message was sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, we request you advise the sender immediately by reply e-mail, and delete this message and any attachments without retaining a copy.

If you are a client or consultant, this e-mail is protected by the attorney-client privilege and the work product doctrine. This e-mail is not intended for release to opposing parties, opposing counsel or any other third party, person, or entity. Copies of this e-mail should not be kept in your regular files. If you print a copy of this e-mail, place it in a separate file labeled "Attorney-Client Privilege" or "Work Product". DO NOT PRODUCE A COPY OF THIS E-MAIL IN DISCOVERY.

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Any advice contained in this e-mail or any attachment is not intended or written to be used, and cannot be used to avoid penalties imposed under the Internal Revenue Code.

**From:** Sumida, Jeanne O. <jsumida@honolulu.gov>  
**Sent:** Wednesday, August 5, 2020 2:26 PM  
**To:** Christine Weger <cweger@diehlandweger.com>  
**Cc:** Spurlin, Dawn D. M. <dspurlin@honolulu.gov>  
**Subject:** RE: Palmer - Petition for Appeal filing

Hi Ms. Weger,

Attached is a time-stamped copy of your appeal. I forgot to mention that there is also a \$400.00 filing fee for appeals to the Zoning Board of Appeals. Checks should be made payable to the "City and County of Honolulu."

Thank you,  
jeanne

**From:** Christine Weger [<mailto:cweger@diehlandweger.com>]  
**Sent:** Wednesday, August 05, 2020 1:43 PM  
**To:** Sumida, Jeanne O.  
**Subject:** Palmer - Petition for Appeal filing

Aloha, Ms. Sumida, thank you for your assistance yesterday regarding the possibility of filing a petition to appeal a short term rental order of DPP by e-mail.

Please find attached for filing the Petition and accompanying Exhibits.

Please be so kind as to acknowledge receipt and let me know if you require further information.

Christine

Christine D. Weger  
Diehl & Weger AAL, ALC  
6700 Kalaniana'ole Hwy, Suite 208  
Honolulu, HI 96825  
(808)396-4080  
(808)395-4440 (fax)

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**Sumida, Jeanne O.**

---

**From:** Christine Weger <cweger@diehlandweger.com>  
**Sent:** Wednesday, August 05, 2020 1:43 PM  
**To:** Sumida, Jeanne O.  
**Subject:** Palmer - Petition for Appeal filing  
**Attachments:** PALMER JULY 7 NOTICE Exhibit A.pdf; PALMER JULY 22 NOTICE Exhibit B.pdf; PALMER Petition to Appeal.pdf

Aloha, Ms. Sumida, thank you for your assistance yesterday regarding the possibility of filing a petition to appeal a short term rental order of DPP by e-mail.

Please find attached for filing the Petition and accompanying Exhibits.

Please be so kind as to acknowledge receipt and let me know if you require further information.

Christine

Christine D. Weger  
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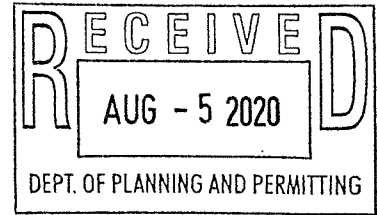
If you are a client or consultant, this e-mail is protected by the attorney-client privilege and the work product doctrine. This e-mail is not intended for release to opposing parties, opposing counsel or any other third party, person, or entity. Copies of this e-mail should not be kept in your regular files. If you print a copy of this e-mail, place it in a separate file labeled "Attorney-Client Privilege" or "Work Product". DO NOT PRODUCE A COPY OF THIS E-MAIL IN DISCOVERY.

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ZONING BOARD OF APPEALS  
CITY AND COUNTY OF HONOLULU  
STATE OF HAWAII

IN THE MATTER OF THE APPEAL OF )  
NOTICE OF ORDER NO. 2020/NOO-269 )  
NOTICE OF VIOLATION NO. )  
2020/NOV-07-008 (HC) )  
THOMAS D. PALMER TRUST AND MATI )  
SAPOLU-PALMER TRUST )



PETITION TO APPEAL DPP NOTICES OF ORDER DATED JULY 7, 2020 AND FINES  
ASSESSED JULY 22, 2020 CONCERNING SHORT-TERM RENTAL

COMES NOW, Thomas D. Palmer, individually and as Trustee of the Thomas D.  
Palmer Trust and Mati Sapolu-Palmer, individually and as Trustee of the Mati Sapolu-  
Palmer Trust as Petitioners and Appellants herein by and through their counsel,  
Christine D. Weger, Esq. who files this Administrative Appeal of the aforesaid Orders.

1. Petitioners are Thomas D. Palmer and Mati Sapolu-Palmer of 1078 Oilipuu Place, Honolulu, HI 96825, (808) 203-0776. The Petitioners/Appellants are residents of the City and County of Honolulu in the State of Hawaii.
2. The property in question is the Petitioner's primary residence located at 1078 Oilipuu Place, Honolulu, HI 96825, TMK 3-9-081.
3. Petitioner's own the property as Trustees of their respective revocable trusts, the Thomas D. Palmer Trust and the Mati Sapolu-Palmer Trust.
4. On or about July 7, 2020, the Petitioners were issued a Notice of Order and a Notice of Violation. Those Notices are attached hereto and incorporated herein by reference as Exhibit A. On or about July 22, 2020, the Petitioners were issued a Notice of Order and Notice of Violation attached hereto and incorporated herein by reference as Exhibit B.

5. The Petitioners are adversely affected by the DPP Notice of Order dated July 7, 2020 [2020/NNOO-269] finding that Petitioners advertised an unpermitted bed and breakfast or transient vacation unit for periods of less than 30 consecutive days.

6. Petitioners are adversely affected by the imposition of a fine in the amount of \$50,000 (5 days at \$10,000 per day) as noticed by letter dated July 22, 2020 (2020/NOO-269(AA)).

7. Said Notice and Order were issued under ROH 1990, as amended, Chapter 21, Section 21-5 (d)(2)(D) as adopted under Ordinance 19-18.

8. Petitioners have made continuing good faith efforts to have the hosting platform alter the listing of the subject property to list it as only available for periods of 30 or more days.

9. When Petitioners received requests through the platform for short term rentals after the date of initial Notice of Violation [NOV No. 2019/NOV-09-216], Petitioners refused all such requests, specifically citing the fact that short-term rentals of this property were illegal under Ordinance 19-18.

10. Petitioners completely blocked out major time periods as completely unavailable on the platform in an effort to remedy the problem.

11. Petitioners did not delete the listing, having a good faith belief that the problem was not a continuing one and in hopes of receiving requests for long-term rental through the platform.

12. Petitioners have made consistent and continuing efforts since the issuance of the Initial NOV to rent the subject property on a long-term basis, advertising

the property for long-term rentals on other online platforms and contracting with a rental management company to lease the property on a long-term basis.

13. The continued existence of the offending advertisement was without the Petitioners knowledge or consent.

14. The subject property was at no time between the issuance of the Initial NOV and the present date rented for a period of less than 30 days and was not used as a bed and breakfast home or transient vacation unit.

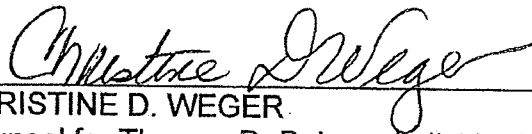
15. Petitioners acted promptly to request that listing on the platform be deleted in its entirety when they received the July 7, 2020 Notice of Order.

16. Petitioners believe that the DPP action was based on erroneous findings of material facts and/or that the DPP acted in an arbitrary or capricious manner or manifestly abused its discretion.

17. Petitioners therefore request that the Decision and Order of DPP be overturned on this appeal, or in the alternative that the fine be reduced.

18. Petitioners further request that the Board issue an interim order staying enforcement of the DPP Order pending this appeal in the interests of justice due to the likelihood of Petitioners prevailing on the merits of this appeal.

DATED: Honolulu, Hawaii, August 5, 2020.



CHRISTINE D. WEGER  
Counsel for Thomas D. Palmer, individually  
and as Trustee of the Thomas D. Palmer Trust  
and Mati Sapolu-Palmer, individually and as  
Trustee of the Mati Sapolu-Palmer Trust

Petitioners/Appellants





3/18

# Notice of Violation

(Short Term Rental)

Violation No.: 2020/NOV-07-008 (HC)

Date: July 07, 2020

Owner(s)

Palmer, Thomas D Trust & Sapolu-Palmer,  
 Mati Trust  
 1078 Oilipuu Place  
 Honolulu, HI 96825-2830

Contractor(s)

Tenant/Violator

Architect/Plan Maker

Lessee

Agent

Engineer

TMK: 3-9-081:005 1078 OILIPUU PL Honolulu / Hawaii Kal 96825

Specific Address of Violation: 1078 Oilipuu Place

User ID#: N/A

Number of Bedrooms: 1

**Advertisement Identifying Information:**

<https://www.airbnb.com/rooms/33745655>

<https://www.airbnb.com/rooms/33425931>

I have verified that on July 2, 2020, the above-described premises is advertised in violation of the following ordinance(s) of City and County of Honolulu because it is an unpermitted transient vacation unit advertised for rental periods of less than 30 consecutive days:

Codes and/or Ordinance(s)  
 and Section(s)

Violation(s)

ROH 1990, as amended, Chapter 21  
Section 21-5 (d) (2) (D) (as adopted  
under ordinance 19-18)

Unpermitted bed and breakfast or transient vacation unit is being advertised for rental periods of less than 30 consecutive days.

**Remove all illegal advertisements immediately.**

Please call the undersigned after the corrections have been made.

**IMMEDIATE REFERRAL: Recurring Violation**

You are reminded that if no action is taken within the specified time:

1. A Notice of Order will be issued by the Department of Planning and Permitting imposing CIVIL FINES.
2. This matter may be referred to the Prosecuting Attorney and/or Corporation Counsel for appropriate action.

Special Instructions: Certified (or Registered) Mail  
 Return Receipt Requested  
 Dated Copy of Illegal Advertisement Attached

Previous Notice of Violation:  
 2019/NOV-09-216

Inspector

Inspector

Phone: \_\_\_\_\_  
 for the Director Department of Planning and Permitting

*Karlee Kershner*  
 Karlee Kershner Phone: 768-8161  
 for the Director Department of Planning and Permitting

7/13  
 Spoke w/ Karlee

First letter from City & County

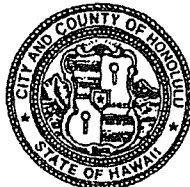
DEPARTMENT OF PLANNING AND PERMITTING  
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honolulu.gov](http://www.honolulu.gov) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

1/18

KIRK CALDWELL  
MAYOR

original



KATHY K. SOKUGAWA  
ACTING DIRECTOR

TIMOTHY F. T. HIU  
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7019 2280 0001 3716 5837

*Spoke to Fran  
July 13 at 768-8165  
768-8165  
Fran*

NOTICE OF ORDER

NO.: 2020/NOO-269

DATE: July 7, 2020

TO: Owner/Contractor/Lessee/Tenant: \_\_\_\_\_  
Owner: Thomas D. Palmer Trust  
Mati Sapolu-Palmer Trust  
1078 Oilipuu Place  
Honolulu, Hawaii 96825-2830

Address of Violation: 1078 Oilipuu Place - Honolulu/Hawaii Kai

Tax Map Key: 3-9-081: 005 (POID 132416)

Description: An unpermitted bed and breakfast or transient vacation unit is being advertised for rental periods of less than 30 consecutive days.

The Department of Planning and Permitting (DPP) inspected the above-described structure(s) and/or premises and found a violation of one or more ordinances of the City and County of Honolulu. As a result, Notice of Violation (NOV) No. 2020/NOV-07-008 is hereby being issued (copy attached).

This is a recurring violation in which NOV No. 2019/NOV-09-216 was issued to you on October 7, 2019, for advertising an unpermitted bed and breakfast or transient vacation unit for a rental period of less than 30 consecutive days. Accordingly and pursuant to the authority granted by the Revised Ordinances of Honolulu, you are hereby ordered to:

1. Cease and desist immediately any bed and breakfast and/or transient vacation unit activity, and remove the rental solicitation listing from your website.
2. Pay a daily fine of \$10,000 until the violation is corrected. You are responsible for contacting the inspector, Karlee Kershner at (808) 768-8168, to verify the corrective action.

Check(s) (with the Notice of Order number noted on it) are payable to the City and County of Honolulu, and should be mailed or delivered to the Department of Planning and Permitting, 650 South King Street, 8th Floor, Honolulu, Hawaii 96813.

2/18

If the fine is not paid and/or the violation is not corrected by the due date, this matter may be referred to the Department of the Corporation Counsel for civil remedy and/or the Prosecuting Attorney's Office for criminal prosecution. When this order becomes final, all unpaid civil fines imposed by this order shall be added to the taxes, fees, and charges specified in Section 20-3-4 of the Department of Planning and Permitting's Rules Relating to Administration of Codes. Such taxes, fees, and charges include, but are not limited to, driver's license and vehicle registration fees, fees for permits issued under the City Land Use Ordinance (e.g., sign permits, conditional use permits, and variances) and fees for building, demolition, grading, grubbing, stockpiling, trenching, and excavation permits.

If the order is issued to more than one person, each person shall be jointly and severally liable for the full amount of any fine imposed by the order.

This order shall become final thirty (30) days after mailing. Before such time, any person affected by this order may file an administrative appeal of any provision in this order. Appeals shall include all appropriate remedies and may address the addition of unpaid fines to taxes, fees, or charges collected by the City. The failure to appeal this order within the specified time may result in a waiver of the right of appeal. An appeal does not suspend any provision of the order, including the imposition of the civil fines. Copies of the appeal rules are available at the DPP and Office of the City Clerk.

Should you have any questions regarding this order, please contact our Code Compliance Branch at (808) 768-8110.



Timothy F. T. Hiu  
Deputy Director

TFTH:ff

Attachment \_\_\_\_\_

cc: Airbnb, Attn: Matt Middlebrook

[1873377]

Clerk - Zoning Bd  
768-8006

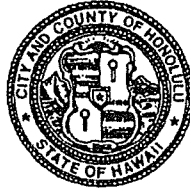
DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honolulu.gov](http://www.honolulu.gov) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

7/18

Letter arrived in  
my mail box 7/25/2020

KIRK CALDWELL  
MAYOR



KATHY K. SOKUGAWA  
ACTING DIRECTOR

TIMOTHY F. T. HIU  
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

2nd letter from City &  
County.

July 22, 2020

2020/NOO-269(AA)

Thomas D. Palmer Trust  
Mati Sapolu-Palmer Trust  
1078 Oilipuu Place  
Honolulu, Hawaii 96825-2830

Dear Thomas D. Palmer Trust and Mati Sapolu-Palmer Trust:

SUBJECT: Notice of Order (NOO) No. 2020/NOO-269  
Notice of Violation (NOV) No. 2020/NOV-07-008  
Outstanding Fine  
1078 Oilipuu Place - Honolulu/Hawaii Kai  
Tax Map Key 3-9-081: 005 (POID 132416)

The inspector has determined that the subject NOV was corrected on July 13, 2020, when a follow-up search revealed that the advertisement associated with the Airbnb link had been removed. Although the violation was resolved, daily fines in the amount of \$50,000 (5 days at \$10,000/day) are due and owing.

Please make your check, with the NOO number noted on it, payable to the City and County of Honolulu and send it to:

City and County of Honolulu  
Department of Planning and Permitting  
Attn: Code Compliance Branch  
650 South King Street, 8th Floor  
Honolulu, Hawaii 96813

If you do not respond within 30 days from the date of this letter, we may begin legal proceedings to place the amount of the fine (\$50,000) as an administrative lien on the property with foreclosure on the lien as an option for collection of the civil fine.

8/18

Thomas D. Palmer Trust  
Mati Sapolu-Palmer Trust  
July 22, 2020  
Page 2

Please be advised that any future violation of the same nature will be considered a recurring violation.

Should you have any questions, please contact Terry Hildebrand, of our Code Compliance Branch, at (808) 768-8110.

Very truly yours,



Eugene H. Takahashi  
Deputy Director

EHT:ff

[1879137]