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COUNTY COUNCIL
COUNTY OF MAUI
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Mr. Chris Salem
5106 Lower Honoapiilani Road
Lahaina, HI 96761

Dear Mr. Salem,

I am deeply saddened to hear about your current situation. I find it disturbing that you have been, in my opinion, wronged on so many fronts and you are now on the verge of losing your home.

As you are aware I too have been placed in an untenable situation by the developer's attorney, Ms. Bronster and our own Public Works Director, Milton Arakawa. The fact that Ms. Bronster was also representing the County of Maui on another case during the very same time period is disturbing. It was not until this case unfolded that I became aware that the developer of the property adjacent to yours, was legally required (and already submitted studies by his consultants and received SMA Permits on the same) to honor the obligations that you were simply trying to have the county enforce. I know that this was something that was not known to either of us when this case began. I cannot understand how Ms. Bronster appears to have been made aware of the existence of these documents, and yet failed to produce them during the legal proceeding. I do not know what the legal ramifications are for failure to produce documents before the hearings officer or your attorney. At the very least, this information should have been disclosed by Ms. Bronster when its existence became known.

Also, the fact is that Ms. Bronster allowed me to actually be placed in a position of conflict whereby I gave testimony that contradicted the Public Works Department, when this could have been avoided. The focus, had I been given this information by Ms. Bronster, would have been shifted toward enforcement of the issued permits to mitigate the County's potential financial losses. If this had been done and the information made available, it would have been clear to you and your attorney that you did not need to have any agreement with the developer from the beginning, let alone attempt to enforce the terms of the agreement, since the County already had put these conditions in the SMA and the developer was legally required to honor their obligations.

April 21, 2010
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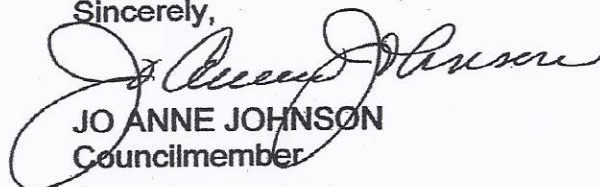
I cannot believe that the key facts in this case never came out during your proceedings and especially the failure to disclose a possible conflict of interest on the part of our Public Works Director, who was working for the very same land planning firm that represented the developer at the same time this SMA was processed.

Your situation reminds me very much of the Montana Beach case where Christina Hemmings called attention to the SMA violations of the owner and yet had to take the issue further through years of legal proceedings to compel the county to follow the law. This was eventually settled but cost the county millions of dollars to resolve. It is also curious to note that the same attorney who was involved in that case, Tom Welch, also testified on behalf of the developer who was involved in your litigation. Perhaps this issue bears further investigation as well.

I cannot help but feel that you and the County of Maui have been defrauded, the taxpayers have been cheated out of financial obligations that the developer should rightfully have paid, and that I have been placed in a position that is unacceptable and now creates a conflict between myself and the administration. I too, as an elected official, am an officer of the County and duty bound to report what I believe to be unethical or illegal conduct by anyone who is involved with the County. I am more than willing to verify what I know about this case to any authority or investigator and to answer any questions that need to be asked to address this most serious matter.

I am so sorry that this has taken place and I too feel personally compromised as a public official since it appeared during the hearings that my comments were irrelevant and I was made to look foolish before the hearings officer Andrew Winer. Please let me know what the status of this situation is and please feel free to share my comments with those who can help bring this matter to a satisfactory close.

Sincerely,



JO ANNE JOHNSON
Councilmember