

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 28, 2025

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Hawaii

Revocation of Revocable Permit No. S-7885, Dora Lee Rudolph,
Permittee, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-007:022.

PURPOSE:

Revocation of Revocable Permit No. S-7885, Dora Lee Rudolph, Permittee.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waiakea, South Hilo, Hawaii, identified
by Tax Map Key: (3) 2-1-007:022, as shown on the attached map labeled Exhibit
A.

AREA:

7,180 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Residential purposes.

COMMENCEMENT DATE OF PERMIT:

Commenced on March 15, 2016.

MONTHLY RENTAL:

\$ 439.21 per month (\$5,270.52 per year).

REMARKS:

Pursuant to the provisions contained in Revocable Permit S-7885, Michael F. Rudolph (now deceased) and Dora Lee Rudolph, Permittees, were mailed default notification letters dated 06/28/2024 and 12/15/2023 for:

06/28/2024 Failure to keep lease rental payments current; and

12/15/2023 Failure to post required liability insurance policy

These notices offered the Permittees a thirty-day cure period to correct these defaults. These cure periods expired on 07/28/2024 and 01/14/2024, respectively. As of 02/10/2025, these breaches have not been cured.

As of 02/10/2025, the current status of all permit compliance items is as follows:

RENT: The Permittee has a rental delinquency of \$5,132.77 for the time period from 01/01/2024 to 02/28/2025.

INSURANCE: The Permittee has not posted the required liability or fire insurance policy.

SECURITY DEPOSIT: The Permittee has posted only \$852.84 of the \$878.42 security deposit required.

OTHER: Paragraphs 10, 12 & 14:

10. "Keep the Premises and improvements in a clean, sanitary, and orderly condition."

12. "Not make, permit, or suffer, any waste, strip, spoil, nuisance or unlawful improper, or offensive use of the Premises."

13. “At all times with respect to the Premises, use due care for public safety.”

The permittees’ caretaker (their adult son) is allowing the accumulation of abandoned vehicles on the premises, allowing people to sleep/live in these vehicles and accumulating excessive trash on the property. Staff has received numerous complaints from neighboring residents and businesses regarding these and other activities inconsistent with the permit occurring on the property and/or by people staying on the property.

Further, Hawaii County Police, Hawaii County Fire and DOCARE agents are routinely called to the premises to deal with noise complaints, theft complaints, unauthorized use of utilities and to respond to open fires on the property.

Prior to January 2024, the permittees kept rent and insurance current. Mr. Rudolph and Mrs. Rudolph relocated to South Carolina for medical reasons. They left their adult son, Michael Jr., to caretake the property. Sometime mid-year, Mr. Rudolph passed away. Mr. and Mrs. Rudolph held Revocable Permit No. S-7885 as tenants by the entirety, which includes a right-of-survivorship resulting in Mrs. Rudolph being the sole remaining permittee.

Since January 2024, three payments have been made: one for January 2024 rent was made in March 2024 and two payments of \$700.00 were made, one in May and one in October.

Staff has been in communication with Mrs. Rudolph by phone several times. She has been made aware of the current condition of the property and the actions of her caretaker (the adult son). She is currently unable to return to address the situation. She is also unable to keep up on the rent payments due to the decrease in her income resulting from the passing of her husband.

Staff has included a recommendation to allow the permittee 90 days from the date of the Board action on this request to remove all personal belongings and any of the improvements in a manner consistent with the terms of Revocable Permit No. S-7885, in which paragraph B.6. states:

“Any major improvements, including but not limited to buildings and fences, erected on or moved onto the Premises by the Permittee shall remain the property of the Permittee and the Permittee shall have the right, prior to the termination or revocation of this Permit, or within an additional period the Board in its discretion may allow, to remove the improvements from the Premises; provided, however, that in the event the Permittee shall fail to remove the

improvements prior to the termination or revocation of this Permit or within an additional period the Board in its discretion may allow, the Board may, in its sole discretion, elect to retain the improvements or may remove the same and charge the cost of removal and storage, if any, to the Permittee.”;

Rent shall be payable in accordance with the permit until the effective date of the revocation.

And paragraph B.18. states:

“The Permittee will be allowed to remove any or all of the leasehold improvements at the termination of the revocable permit. Any portion of the leasehold improvements left on the Premises by the Permittee upon vacating, shall be in a structurally sound and securable condition.”

Paragraph B. 13 states:

Prior to termination or revocation of the subject Permit, Permittee shall conduct a Phase I environmental site assessment and conduct a complete abatement and disposal, if necessary, satisfactory to the standards required by the Federal Environmental Protection Agency, the Department of Health, and the DLNR. Failure to comply with the provisions of this paragraph shall not extend the term of this Permit or automatically prevent termination or revocation of the Permit. The Board, at its sole option, may refuse to approve termination or revocation unless this evaluation and abatement provision has been performed. In addition or in the alternative, the Board may, at its sole option if Permittee does not do so, arrange for performance of the provisions of this paragraph, all costs and expenses of such performance to be charged to and paid by Permittee.

Due to the activities that have been observed on the property, staff is not recommending the waiver of the Phase I Environmental Site Assessment (Phase I ESA) in this case. The permittee shall be required to provide a Phase I ESA within 90 days of today’s action by the Board or the State may incur the cost of conducting a Phase I ESA and charge it to the permittee.

RECOMMENDATION: That the Board:

1. Authorize the revocation of Revocable Permit No. S-7885, Dora Lee Rudolph, permittee, in the manner specified by law to be effective 90 days from the date of today’s Board action;
2. Authorize the retention of all sums heretofore paid or pledged under

Revocable Permit No. S-7885 to be applied to any past due amounts;

3. Revoke the permit and all rights of Permittee and all obligations of the Permitter effective as of 90 days from today's Board action, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the lease to survive termination shall endure past such termination date until duly fulfilled, and further provided that Permitter reserves all other rights and claims allowed by law;
4. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under Revocable Permit No. S-7885 and to pursue all other rights and remedies as appropriate;
5. The Permittee will not be eligible for a disposition of State lands for a period of five years after revocation of the permit; and
6. Allow the Permittee 90 days from the date of today's Board action to remove all personal belongings and any of the improvements in a manner consistent with the terms of Revocable Permit No. S-7885.

Respectfully Submitted,

Candace Martin

KEM

Candace Martin
Acting District Land Agent

APPROVED FOR SUBMITTAL:

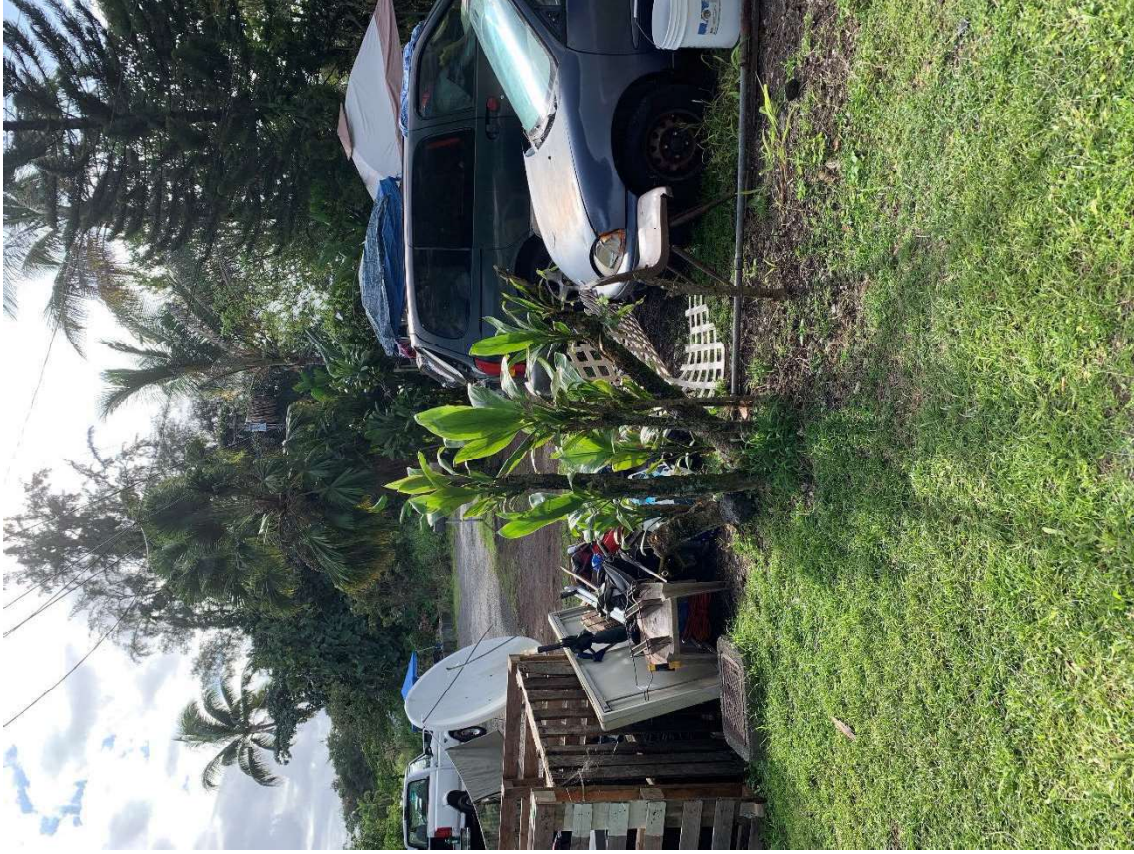


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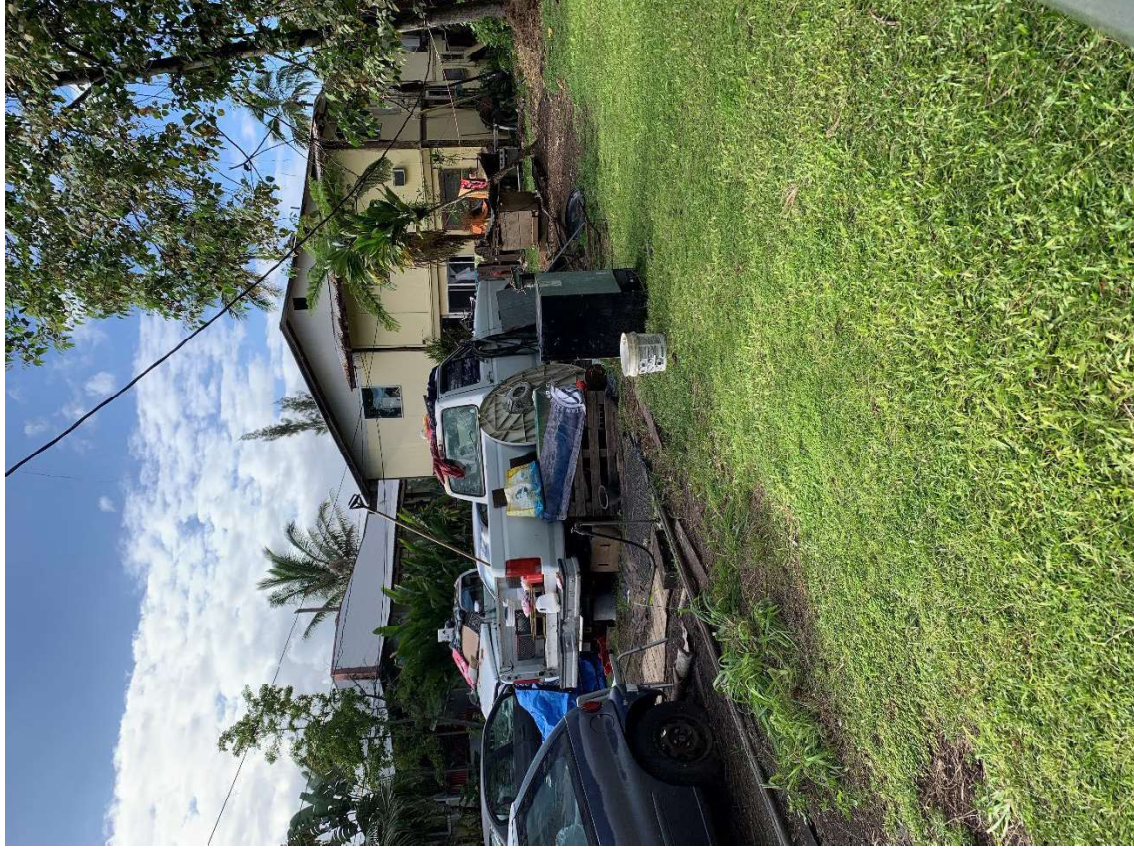
Dawn N. S. Chang, Chairperson

EXHIBIT B

Photos of RPS-7885 taken on February 11, 2025



View across streetside area of property



View of front yard and house from neighboring driveway.
Roof on left is on a neighboring property.

EXHIBIT B



View of front yard and house from street. Van and canopy on left is being used as housing.



View of front yard and house from street. Van on right is reported to be being used as housing.