

\*\*\*These minutes will not be finalized as there are five of the Board members resigned\*\*\*

Kalapana Seaview Estates Community Association  
12-7017 Kalihikai St. #4537, Pahoehoe, Hi. 96778

**KSECA Board of Directors Meeting**  
**Thursday, July 11, 2019 - 4:00 PM at the pavilion**

Draft Minutes

1. Call to Order- 4:02 PM by Sage Melillo. Directors Present; Sage Melillo, Stone O'Daugherty, Jacob Turner, DJ Howell, Kekoa Baur, Kevin Kalley. Members Present (as listed on sign-in sheet): Rick Schultz, Alan McIntosh, Camilla DuLac, H, Ian Renaud-Kim, Missy Tissot, Jon A. Bernier, Christina Hazard, Robert Thornton, Garry Hoffeld, Helen Noble, Jeranium, Kevin Sulgit, Diane Angell, River Rogers, Ben Wismer, Michael Becker
  - A. Opening Statement and Decorum Guidelines- read by DJ
  - B. Additions to Agenda - none
  - C. Announcements - Sage read a prepared statement regarding: dues in arrears, taxes, audits, bylaw revision, and other items she felt need to be addressed. A request was made to have her prepared statement provided for the record in the minutes, and Sage assented. No document was made available.
2. Resident Concerns- Discussion on: HRS§421J, Member input at monthly Board meetings, Dues being mandatory v. voluntary, Proxy voting, and Membership opposition to KSECA's relationship with Mike Garbarino (both his law firm and collection agency). Jacob made a motion to apply for a KSECA credit card. 2nd by Kevin. Unanimous, motion passes.
3. Treasurers' Report- Read by Jacob. June total assets in savings account- \$48,960.54, checking account- \$34,905.51, totaling \$83,866.05 Dues in arrears \$146,985.47.
4. June Minutes- Read by Jacob. Sage made motion to accept as corrected. 2nd By Kevin. 5 yea, 1 abstention (Stone). Motion passes.
5. Clerks' Report- DJ reported that the first person on the mailbox waiting list received a mailbox.  
DJ read a prepared statement concerning Mike Garbarino and Association Services.  
DJ made a motion to have Draft Minutes completed within 10 days and posted within 14 days of monthly Board meetings. 2nd Jacob. 5 yea, 1 abstention (Stone).  
Kevin gave a report based on TMK's defining letters sent to Members in arrears. 33% local v. 67% other.
6. Business Reports-
  - A. Parks- Stone gave a report concerning a HEMA proposal to place an additional emergency siren in one of the Associations shared parks. The siren would have a 4'x4' footprint and have a 120db level at 100' from the tower. It would be tested monthly and remain active in

case of emergency. The cost of construction would be born by the State of Hawai'i Emergency Management Agency. The Membership voiced broad opposition to this idea and it will be reported to HEMA that they pursue alternative sites. Stone will make any follow-up reports as necessary.

B. Mailbox Center- Stone gave a status report, explained the delays and indicated that materials had been picked up and work should begin within the week. A request was made that those with masonry experience, willing to volunteer or do work trade for dues contact Stone for the construction phase.

## 7. Old Business-

A.i. Kevin reported that current contracts are poorly written but the services have been satisfactory. Contracts renew in September, and action should be taken to rewrite them as they are renewed. The services contracted are; Mowing and Weed-Whacking all three parks (2 different contracts), Pavilion/Bathroom/Freebox maintenance, LFA Services, Palm Frond Removal, Website Maintenance, and Book-keeping Services.

A.ii. Stone read a prepared statement voicing his concern about the relationship with Mike Garbarino and KSECA.

B. Budget/Dues Collection- Tabled

C. Bylaw Review- Tabled

D. Calendar- Dj reported work on a calendar noting important deadlines for the Board in execution of their duties. She will give further updates as they are available.

E. Facebook- Kevin reported that the Board is creating a Facebook page as an additional method of keeping the Membership informed. It would compliment the existing website and should be available for preview before the August Board meeting.

## 8. New Business- Board retired to Executive Session to discuss allegations relating to Mike Garbarino, KSECA's Attorney and Collection Agent.

A. Board returned from Executive Session and reported that the previous Board had hired Mr. Garbarino; That allegations his law license in Texas had been revoked were unsubstantiated and untrue; That the current Leilani Community Association President had praise for Mr. Garbarino; and that there were criminal charges against Mr. Garbarino that were ongoing, but not a concern for the organization (Stone dissented on this point).

## 9. Next Board Meeting- Thursday August 8, 2019 at 4:00 PM at the pavilion.

10. Retire to Executive Session- to discuss Association Services contract regarding KSECA account management negotiation and secure legal services, receive attorney/client privileged information.

11. Adjourn Meeting- On August 8, 2019 @ 4:03 PM Sage made a motion to adjourn the July 11, 2019 meeting. 2nd by Dj. 4 ayes 1 abstention (Kelly). Motion passes.

Executive Session Draft Minutes  
July 11, 2019- continued July 19, 2019, and July 26, 2019

July 11, 2019

Present: Sage, Kekoa, DJ, Kevin, Jacob, Stone

1. Motion by Sage to move forward with considering Association Services as our potential collection service. 2nd by DJ. 5 yea, 1 nay(Stone), motion passes.
2. Motion by Stone to send a letter to Association Services demanding a reconciliation of KSECA's account and a release of payment. 2nd by Sage. Unanimous, motion passes.
3. Motion by Kevin to have Mike Garbarino as the Association attorney. 2nd by Sage. 5 ayes, 1 nay (Stone), motion passes.

July 19, 2019

Present: Sage, Kekoa, DJ, Kevin, Jacob, Stone

4. Motion made by Kevin stating that dues are mandatory. 2nd by Sage. Unanimous, motion passes.
5. Motion by Kevin stating that KSECA will have a process to ensure that dues are collected. 2nd by DJ, 5 ayes, 1 abstention (Stone), motion passes.
6. Motion by Kevin that Association Services will continue working with those debtors that have already entered into payment plans, or those that have been assigned who have reached out to KSECA or A.S. New outreach or debt collection is suspended until further notice. 2nd by Sage. 5 ayes, 1 nay (Stone), motion passes.
7. Motion by Sage to have Enrolled Agent David Kennelly file KSECA taxes for 2017/2018. 2nd by DJ. 5 ayes, 1 abstention (Stone), motion passes.

July 26, 2019

Present: Sage, Kekoa, DJ, Kevin, Jacob

8. Stone O'Daugherty (absent) removed from Board (unknown as to who proposed, or 2nd motion). Unanimous, motion passes.
9. Motion by Kevin to allow Sage to be delegated the authority to reply to Stone's email (regarding HRS§421J and Fair Debt Collections Act 2010- dated July 25, 2019 @ 7:24 PM attached) in consultation with legal counsel. 2nd by Kekoa. Unanimous, motion passes.
- 9.a. Attachment of email from Stone O'Daugherty to KSECA Board of Directors: quoted text.

Stone O'Daugherty <kseca.stone@gmail.com>  
Sat, Jul 20, 8:15 AM  
to Seaview

Can you please provide me with the specific evidence you have used to remove me from the Board for cause?

Additionally, the Board is not permitted to take up business during executive session which has not previously been announced.

HRS421j Sec 5(c) The Board of Directors, with the approval of a majority of a quorum of its members, may adjourn any meeting and reconvene in executive session to discuss and vote upon matters concerning personnel, litigation in which the association is or may become involved, or as may be necessary to protect the attorney-client privilege or the association. The general nature of any business to be conducted in executive session shall be first announced in the regular session.

As per the agenda dated 11.Jul.19 where the Board retired to Executive Session, 10. Retire to executive session to discuss Association Services Contract regarding KSECA account management negotiations and secure legal services, receive attorney/client privileged information.

Your action to remove me from the Board without prior notice is not permissible under the law and instead must be brought up during regular session.

10. Motion by Kevin to delegate DJ and Sage the authority to meet with legal counsel to produce a detailed agenda for the August 8 Board meeting. 2nd by Kekoa. Unanimous, motion passes.

11. Motion by Jacob to accept the statement of Annual Dues and post immediately. 2nd by Sage. Unanimous, motion passes.