



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 22, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor 
Homestead Services Division

SUBJECT: **Commission Designation of Successor - HAZEL W. PU,
Residential Lease No. 5518, Lot No. 117,
Lualualei, Oahu**

RECOMMENDED MOTION/ACTION

1. To set aside the Commission's earlier approval of HSD's Item D-13, Commission Designation of Successor - HAZEL W. PU, Residential Lease No. 5518, Lot No. 117, Lualualei, Oahu at its November 15, 2021, regular meeting (EXHIBIT A) to be replaced by this current submittal, Item D-15 of the same title;

2. To approve the selection of Cathleen C. Rodrigues (Cathleen) to succeed to the interest of Hazel W. Pu, as Tenant in Severalty for Residential Lease No. 5518, Lot No. 117, Lualualei, Oahu (Lease) for the remaining term of the Lease;

3. To approve and accept that Cathleen is of no less than the required 25% Hawaiian ancestry and is therefore a qualified successor pursuant to Section 209 of the Hawaiian Homes Commission Act, 1920, as amended;

4. To stipulate that Cathleen's rights and interest in the Lease do not vest until Cathleen has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Cathleen does not sign all such documents on or before **April 30, 2022** (the Deadline), that the Commission's selection of Cathleen as the Tenant in Severalty successor is automatically revoked;

5. To authorize the Department to extend the Deadline up to 60 days for good cause; and

6. To declare that if Cathleen's selection as the Tenant in Severalty successor is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "...the land subject to the lease shall resume its status as unleased Hawaiian home lands and the department is authorized to lease the land to a native Hawaiian as provided [by the] Act."

DISCUSSION

Hazel W. Pu (Decedent) was awarded the Lease commencing on June 3, 1985.

On February 15, 2018, the Decedent passed away and the Department received her death certificate on March 21, 2018.

Previously, the Decedent submitted a Designation of Successor form dated September 2, 1993, naming her husband, Daniel Pu, and daughter Mary Ellen Farias, as her successors to hold the lease as Tenants in Common.

Named successor Daniel Pu passed away on October 20, 1997, and the Department received his death certificate on March 21, 2018.

Named successor Mary Ellen Farias returned her successorship response form to the Department on September 25, 2019, indicating her renouncement of her successorship interest to the Lease.

As there were no eligible named successors to the Lease remaining, pursuant to Section 10-3-63 of the Hawaii Administrative Rules, the Department published legal notices in the Honolulu Star-Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, The Maui News, and The Garden Island newspapers on December 1, 8, 15, 22, and 29, 2019, to notify all interested, eligible and qualified heirs of the Decedent to submit their successorship claims to the Lease.

In response to the published notices, the Department received successorship claims from the Decedent's son, Christopher G. Farias, and from the Decedent's daughter, Cathleen Rodrigues, both of whom were determined to be of at

least 25% Hawaiian ancestry and eligible for successorship to the Lease.

On December 18, 2019, the Department received Christopher's written response at Kapolei accompanied by verification documents consisting of his birth certificate, his marriage certificate, his valid picture ID, and his Social Security card.

On March 19, 2020, Cathleen submitted her written response to the East Hawaii District Office in Hilo which was forwarded to the Kapolei office for processing. As the Kapolei Office received Cathleen's response without the requisite verification documentation, Oahu District Office staff made repeated requests to Cathleen to obtain these documents which the Department received on March 18, 2021.

As Cathleen submitted a computerized birth abstract (i.e., birth certificate), staff apprised her of the Department of Health's (DOH) verification process by which the parents listed on the certificate are confirmed as the birth parents of the individual. She was also informed that the length of the verification process is largely dependent upon staffing and the workload at the DOH. In response, Cathleen told staff that she had recently moved back from the mainland and that she would go through her things to find her original (i.e., full copy) birth certificate in an attempt to avoid the potentially lengthy verification process.

Ultimately, after several follow-up calls from staff, Cathleen could not find her original birth certificate and the Department went forward with the DOH process.

On August 25, 2021, the Oahu District Office submitted Cathleen's computerized birth abstract (i.e., birth certificate) to the Application Branch for verification of her birth parents at the Department of Health (DOH).

On September 24, 2021, her birth certificate was included in the verification batch the Application Branch sent to the DOH. The Application Branch subsequently received the DOH verification results on October 18, 2021, and completed its review of those results on October 21, 2021.

On October 25, 2021, the Department received a phone call from Carol Farias, a sibling to Christopher and Cathleen,

apprising the Department that Christopher passed away on October 19, 2021.

As Christopher's government-issued death certificate would not be available for six (6) to eight (8) weeks following his passing, the Department would be without formal confirmation of his death in the meantime.

Accordingly, when the Department provided its initial November 15, 2021, submittal for Commission approval regarding the designation of a successor for decedent Hazel W. Pu, staff included both Christopher and Cathleen as prospective successors to the Lease.

While Carol provided the Department with a copy of an October 22, 2021, paid statement of services provided by the mortuary for "Farias, Christopher" whose date of death appears on the form as "10/19/2021," the Department did not receive formal confirmation of Christopher's passing until it received his death certificate on November 15, 2021.

The Department has since revised its earlier November 15, 2021, submittal to reflect that Cathleen is now the sole prospective successor to the Lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee fails to designate a successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the

children, widows or widowers of the brothers and sisters, or nieces and nephews.

Improvements to the homestead lot consist of a 3-bedroom and 2-bath, single family dwelling, which was constructed in 1990.

There is an outstanding mortgage attached to the Lease in the amount of \$8,283.12. The prospective successor is aware of this balance and has acknowledged her obligation to pay off this debt should the Commission approve her successorship to the Lease. The Department acknowledges its earlier November 15, 2021, version of this Designation of Successor submittal (EXHIBIT A) erroneously stated there was no outstanding mortgage balance attached to the Lease.

The lease rent account reports an outstanding balance of \$16 and the real property tax is current.


The Department requests approval of its recommendation.


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor 
Homestead Services Division

SUBJECT: **Commission Designation of Successor - HAZEL W. PU,
Residential Lease No. 5518, Lot No. 117,
Lualualei, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the selection of Christopher G. Farias (Christopher), and Cathleen C. Rodrigues (Cathleen) to succeed to the interest of Hazel W. Pu, as Tenants in Common Interest in Residential Lease No. 5518, Lot No. 117, Lualualei, Oahu (Lease) for the remaining term of the Lease;

2. To approve and accept that Christopher and Cathleen are of no less than the required 25% Hawaiian ancestry and are therefore qualified successors pursuant to Section 209 of the Hawaiian Homes Commission Act, 1920, as amended;

3. To stipulate that Christopher's and Cathleen's rights and interest in the Lease do not vest until Christopher and Cathleen have signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Christopher and Cathleen do not sign all such documents on or before **January 31, 2022** (the Deadline), that the Commission's selection of Christopher and Cathleen as Tenants in Common Interest successors is automatically revoked;

4. To authorize the Department to extend the Deadline up to 30 days for good cause; and

5. To declare that if Christopher's and Cathleen's selection as Tenants in Common Interest successors is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "...the land subject to the lease shall resume its status as unleased Hawaiian home lands and the department

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EXHIBIT A

ITEM NO. D-13

is authorized to lease the land to a native Hawaiian as provided [by the] Act."

DISCUSSION

Hazel W. Pu (Decedent) was awarded the Lease commencing on June 3, 1985.

On February 15, 2018, the Decedent passed away without naming a successor to her lease.

On March 21, 2018, the Department received the Decedent's death certificate.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star-Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, The Maui News, and The Garden Island newspapers on December 1, 8, 15, 22, and 29, 2019, to notify all interested, eligible and qualified heirs of the Decedent to submit their successorship claims to the Lease.

The Department received successorship claims from the Decedent's son, Christopher and from the Decedent's daughter, Cathleen, both of whom have been determined to be of at least 25% Hawaiian ancestry and eligible for successorship to the Lease.

The Department recently received an October 25, 2021, phone call from Carol Farias, a sibling to Christopher and Cathleen, apprising the Department that Christopher recently passed away on October 19, 2021. It is anticipated that Christopher's government-issued death certificate will not be available for another six (6) to eight (8) weeks, hence the Department does not yet have formal confirmation of his passing and there has likewise been no published death notice as of the writing of this submittal. In light of these circumstances however, as proof of Christopher's passing, the family has provided a copy of an October 22, 2021, paid statement of services provided by the mortuary for "Farias, Christopher" whose date of death appears on the form as "10/19/2021."

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee fails to designate a successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor.

Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

Improvements to the homestead lot consist of a 3 bedroom and 2 bath, single family dwelling, which was constructed in 1990.

There is no outstanding mortgage to the lease.

The lease rent account reports an outstanding balance of \$16.00 and the real property tax is current.

The Department requests approval of its recommendation.