

GREGORY W. KUGLE
HI Bar No. 6502-0
Damon Key Leong Kupchak Hastert
1003 Bishop St., Suite 1600
Honolulu, HI 96813
Telephone: (808) 531-8031
gwk@hawaiilawyer.com

LOREN A. SEEHASE
HI Bar No. 10414-0
FL Bar No. 1065765
JOHANNA TALCOTT*
FL Bar No. 1008094
Pacific Legal Foundation
4440 PGA Blvd., Suite 307
Palm Beach Gardens, FL 33410
Telephone: (561) 691-5000
LSeehase@pacificlegal.org
JoTalcott@pacificlegal.org

ADITYA DYNAR*
DC Bar No. 1686163
AARON NEWELL*
AR Bar No. 2022182
Pacific Legal Foundation
3100 Clarendon Blvd., Suite 1000
Arlington, VA 22201
Telephone: (202) 888-6881
ADynar@pacificlegal.org
ANewell@pacificlegal.org

Attorneys for Plaintiff
**Pro hac vice* forthcoming

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

SANDRA W. MAY,
Plaintiff,

Civil No.

(caption continued on next page)

v.

CITY AND COUNTY OF HONOLULU,
a municipal corporation; DEPARTMENT
OF PLANNING AND PERMITTING OF
THE CITY AND COUNTY OF
HONOLULU; DAWN TAKEUCHI
APUNA, in her official capacity as
Director of the Department of Planning
and Permitting,

Defendants.

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

**COMPLAINT FOR VIOLATION OF CONSTITUTIONAL
AND CIVIL RIGHTS**

INTRODUCTION

1. The City and County of Honolulu (City) has hit Sandra May, an 83-year-old widow (Sandra), with two months of punishing \$10,000 daily fines because she made what can only be viewed as a trivial error: the online advertisement for a one bedroom unit she rented in her Wilhelmina Rise home temporarily allowed users to merely check whether it was available for less than the City's 30-day minimum term, even though it remained impossible to book—or actually rent—the room for less than thirty days.

2. The City issued a Notice of Violation, but Sandra did not immediately receive it because she had been in a serious automobile accident that resulted in multiple hospitalizations, surgery, repeated visits to urgent care and the emergency room, follow-up appointments, and physical therapy and rehabilitation sessions.

3. The City's \$10,000 daily fine continued to accumulate day-by-day, and

by the time Sandra was in a condition to correct the online platform's error fifty-nine days later, the City's \$10,000 daily fine had ballooned to an eye-watering \$590,000, which it now insists she pay.

4. Because she cannot pay (she lives on a fixed income from Social Security), City law also bars access to essential government services such as renewing her driver's license and her car registration, forcing her to find other methods of transportation such as taking the bus from the top of Wilhelmina Rise.

5. Excessive fines are prohibited by the Eighth Amendment to the U.S. Constitution. It prohibits government-imposed fines that are grossly disproportionate to the offense. To determine if the fine is grossly disproportionate to the offense, courts look to (1) the nature and extent of the underlying offense; (2) whether the underlying offense is related to other illegal activities; (3) whether other penalties may be imposed for the offense; and (4) the extent of the harm caused by the offense. Yet the City imposed a daily fine that has no relation, or proportion, to her purported offense that has now ballooned to an unconscionable, ruinous amount.

6. Sandra seeks this Court's intervention and assistance to bring the amount of the fine within constitutional limits, which, if not conformed to the Constitution, will force Sandra to sell her home or file for bankruptcy in order to pay the fine.

PARTIES

7. Plaintiff Sandra W. May is a natural person, a United States citizen, and a resident of the State of Hawaii. She owns a home at 4534 Sierra Drive, Honolulu, Hawaii, Tax Map Key 3-3-024:003, in the City and County of Honolulu.

8. Defendant City is a municipal corporation organized under Hawaii Revised Statutes chapters 46 through 58 and is legally responsible for the acts and omissions of its departments, officials, boards, and employees.

9. Defendant Department of Planning and Permitting of the City and County of Honolulu (DPP) is the City agency charged with enforcing zoning and land use regulations, pursuant to the Land Use Ordinance (LUO), Chapter 21 of the Revised Ordinances of Honolulu (ROH).

10. Defendant Dawn Takeuchi Apuna (Director) is, and at all relevant times was, the Acting Director of the DPP of the City and County of Honolulu, and, in performing her duties is and was, at all relevant times, acting under color of state and city law. The Director is sued in her official capacity.

JURISDICTION

11. Plaintiff seeks declaratory (28 U.S.C. § 2201) and injunctive relief (28 U.S.C. § 2202), and mandamus (28 U.S.C. §§ 1361 and 1651) against the City's grossly excessive \$10,000 per day fines (totaling \$600,000), which it imposed on Sandra for mistakenly advertising a one bedroom unit in her home for rent, and the

resultant denial of essential City services when she did not immediately pay, in violation of the Eighth Amendment to the U.S. Constitution, entitling her to relief under the federal Civil Rights Act of 1871, 42 U.S.C. § 1983.

12. This Court has subject-matter jurisdiction over these federal claims under 28 U.S.C. § 1331 (civil actions arising under the Constitution and laws of the United States), and 28 U.S.C. § 1343(a)(3) (civil action to redress for deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States).

13. Sandra has a personal stake in the outcome and has been, and continues to be, actually, concretely, and personally injured-in-fact, and has suffered, and is suffering, an actual or threatened injury that can be fairly traced to the challenged actions of the Defendants. These injuries are likely to be redressed by a favorable decision.

14. There is an actual controversy between the parties such that this Court may declare the rights and other legal relations of Sandra pursuant to 28 U.S.C. § 2201 (Federal Declaratory Judgment Act), whether or not further relief is or could be sought.

VENUE

15. Venue is proper in the District of Hawaii under 28 U.S.C. § 1391(b)(1) and (b)(2).

16. Defendant City is a Hawaii municipality located within this judicial district and is a resident of this district.

17. All or a substantial part of the events or omissions giving rise to the claims asserted herein occurred, and a substantial part of the property that is the subject of this action is situated within this judicial district.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

For nearly fifty years, Sandra legally rented a one bedroom unit in her home

18. Sandra is an 83-year-old widow living on a fixed income. Sandra purchased her home on Wilhelmina Rise in the late 1970s. She is the second owner of the home which was built in the early 1940s. It was built as a small single floor home raised above the ground. Years before she purchased the home a small one-bedroom apartment unit was added underneath the home. It is where she raised her only child until he grew up and moved out in the late 1980s.

19. When Sandra purchased the home, it came with a long-term tenant living in the small downstairs unit. She was lucky enough to find many long-term tenants over the years. The downstairs unit was continuously rented from the 1970s through the late 2010s. Some tenants stayed for a year, some for several years, and

one tenant stayed for twenty years. In the early 2000s, Sandra retired from her career as a realtor. Then Sandra's husband passed away in 2019.

20. In 2019, she found herself widowed, living alone, retired, and needing to find a tenant to supplement her Social Security income. She was having a difficult time finding another long-term tenant, so in early 2019 she turned to online rental platforms to expand her reach.

The City's checkered history of short-term rental restrictions

21. The City first regulated short-term rentals, called transient vacation units (TVU), when it passed several ordinances in the 1980s limiting home rentals of less than thirty days to certain resort and apartment districts. *See, e.g.*, Ord. 86-96.

22. The City defined TVUs as “a dwelling unit or lodging unit which is provided for compensation to transient occupants for less than 30 days, other than a bed and breakfast home.” LUO § 21-10.1 (1999).

23. For decades after the City adopted the TVU ordinance, residential property owners understood that they conformed to the law if they rented to tenants who occupied properties for less than thirty days, even if the tenants had agreed in their leases to rent for periods of thirty days or more, so long as the property was limited to one rental a month and no more than twelve rentals per year.

24. In 2016, after property owners sued the City, it settled and agreed to

abide by the decades-old understanding of the law:

8. As currently worded, the Land Use Ordinance prohibits providing all or a portion of a residential dwelling unit to a transient occupant for less than thirty (30) consecutive calendar dates for compensation. Thus, the LUO allows a property owner to rent its property to transient guests in blocks of thirty (30) days or more, up to twelve times per year.

9. The LUO does not require that renters actually occupy all or a portion of a rented dwelling unit during the thirty (30) day rental period; however, a party that is not granted use of the dwelling unit by the thirty (30) day rental agreement may not occupy the rented portions of the dwelling unit during the same thirty (30) day rental block

Stipulation and Settlement Agreement at ¶¶ 8–9, *Kokua Coal. v. Dep't of Plan. and Permitting*, Civil No. 1:16-cv-00387 DKW-RLP (D. Haw. June 8, 2018) (*Kokua I*).

In 2019, the City began punishing mere advertisement

25. In 2019, in response to the rise of short-term residential rentals through online rental platforms and in order to deter and punish offenders, the City sought to increase the penalties and liability for violations of the LUO, and for the first time it sought to regulate the mere advertisement of short-term rentals, including advertisements which appeared on online rental platforms.

26. The City adopted Ordinance 19-18, which increased the fines for renting a short-term rental unit from \$1,000 per day to up to \$5,000 per day for initial violations and added fines of up to \$10,000 per day for recurring violations. *See*

Ordinance 19-18 § 3.¹

27. Ordinance 19-18 was also the first time it made it illegal to advertise a short-term rental. *Id.* Ordinance 19-18 required that the owner or operator of a short-term rental must remove an advertisement identified in an NOV within seven days of receipt of the notice. *Id.* § 8.

The punishment for advertising: ruinous daily fines

28. Fines for advertising were set at \$1,000 per day minimum and \$10,000 per day maximum for each day. *Id.*

29. After property owners challenged Ordinance 19-18, the City settled that suit by agreeing as follows:

1. Ordinance 19-18 does not require a renter to physically occupy a rental property for any minimum length of time. The Settlement Agreement and Release filed by Plaintiff and the City in *Kokua Coalition v. Department of Planning and Permitting, et. al.*, Case 1:16-cv-000387-DKW-RLP, at paragraphs 8-10, attached as Exhibit “A” and affirmed and incorporated herein, continue to describe a legal long-term rental under Ordinance 19-18. Ordinance 19-18 does not impose new restrictions on legal long-term rentals.

2. The advertising restrictions of Ordinance 19-18 apply to illegal short-term rentals, not legal long-term rentals. Ordinance 19-18 does not prohibit the advertising, soliciting, offering or providing of a legal long-term rental (i.e., a rental of at least 30 consecutive days). Advertising, soliciting, offering or providing a legal long-term rental, including advertisements, solicitation, and offers stating daily rates, and/or less than monthly rates, and/or minimum stay of less than 30 days does not cause a dwelling unit that is rented for thirty days or more to be a

¹ Ordinance 19-18 is available at <https://hnlldoc.ehawaii.gov/hnlldoc/document-download?id=4704>.

“transient vacation unit” or “bed and breakfast home” within the meaning of Ordinance 19-18 if such advertisement, solicitation, or offer states that the minimum rental period for the rental property is thirty days. However, rental agreements, advertisements, solicitations and offers to rent property violate Ordinance 19-18 if the price paid for the rental is determined, in whole or in part, by an anticipated or agreed upon occupancy of the property for less than thirty days.

3. Notwithstanding anything in Ordinance 19-18, there is no violation of Ordinance 19-18, and a dwelling unit or lodging unit will not be classified as a “transient vacation unit” or “bed and breakfast home,” provided that the dwelling unit or lodging unit is actually rented only for 30 days or longer at a time, and provided further that 1) the owner and/or operator has not limited the actual occupancy of the premises to a period less than the full stated rental period, and 2) the owner and/or operator has not conditioned the right to occupy the premises for the full stated rental on the payment of additional consideration.

Stipulated Order, *Kokua Coal. v. Dep.t of Plan. and Permitting*, Civil No. 1:19-cv-00414 DKW-RT (D. Haw. Oct. 4, 2019) (*Kokua II*).

25. In 2025, the City adopted Ordinance 25-2, which imposed a minimum rental term of no less than ninety days. Ordinance 25-2 became effective September 30, 2025.

The City checks only whether a property *appears* to be available for short-term rental, not whether it is actually available or can be booked

26. To enforce its advertisement restrictions, the City patrols online rental platforms for Honolulu properties and tests whether a property appears to be available to rent for less than thirty days by checking if it is possible to book a reservation for less than thirty days.

27. The City does not actually book the rental, as many lawful short-term

rentals have setting restrictions preventing the actual booking of the property for less than thirty days.

Sandra struggles with technology and renters

28. In early 2019, Sandra began using online rental platforms, but because she is technologically illiterate and inexperienced she struggled setting up the advertisements.

29. Shortly after the TVU advertisement restriction went into effect, Sandra received a violation from the City in November 2019.

30. She did not intend for her advertisement to violate the new law. So, shortly after receiving the notice she contacted the online rental platform to find out how to change her settings to make her advertisement have a 30-day minimum stay, which she then promptly changed.

31. Since then, Sandra has left her online rental advertisement settings at a 30-day minimum rental period.

32. A few months later, in early 2020, COVID locked everything down, and the renters that were in her property overstayed their rental period. The COVID renters did not pay rent for nearly two years, despite receiving COVID rent relief assistance money from the government. And Sandra could not evict them due to the eviction moratorium.

33. Once the eviction moratorium lifted in late 2021, and she was able to

evict her holdover tenants, Sandra went back to using an online rental platform to find renters. She didn't change the settings on her advertisement; it was still set to a 30-day minimum rental period.

34. But in June 2023 Sandra received a second violation and order. *See* Exhibits 1 and 2.

35. She immediately contacted the online rental platform to find out how it was possible to check the availability for less than thirty days when her settings had not changed and she asked the platform to correct the error, which they did. Sandra then immediately contacted the City to notify them that the error had been corrected.

36. Shortly after the violation was corrected the City notified Sandra of the correction, but informed her that because it was a second violation she still owed the recurring violation fine of \$10,000. *See* Exhibit 3.

37. The next month the City informed Sandra that the order issued in her first violation in 2019 was in error and as such was now null and void. *See* Exhibit 4.

38. Sandra believed that the nullification of the first violation effectively voided the \$10,000 fine from the second violation because the fine on the second was only imposed because it was a second violation.

In 2024, Sandra was badly injured in a car accident

39. On or about March 27, 2024, Sandra was in a car accident, leaving her

hospitalized from March 27 to 31, 2024. She was in and out of rehabilitation throughout early April 2024.

40. On April 12, 2024, Sandra was back in the hospital for vascular surgery.

41. She was hospitalized again from April 14 to 17, 2024.

42. From April 17 until May 28, 2024, Sandra had multiple urgent care visits, emergency room visits, follow-up appointments, and rehabilitation appointments.

Third Violation

43. On April 10, 2024, the City issued Sandra a violation and order for advertising for periods of less than thirty consecutive days. *See* Exhibits 5 and 6.

44. The violation and order were issued simultaneously because it was a recurring violation. The letters warned that the violation must be corrected immediately and that Sandra would owe a daily fine of \$10,000 per day until the violation was corrected. *Id.*

45. The order warned that if the violation was not corrected by the due date—immediately—then the matter may be referred to the Prosecuting Attorney’s Office for criminal prosecution. The order also stated that the time to appeal the order is thirty days from “mailing, delivery, or publication.” *Id.*

46. Sandra was not aware of the violation and order for nearly two months because she was in and out of the hospital, lives alone, and nobody else checks her

mail.

47. As soon as Sandra was aware of the third violation, she contacted the online rental platform to determine the source of the problem because she had not changed her settings—it was still set to a 30-day minimum rental period—and to have the platform fix whatever caused the City to find the advertisement in violation.

48. The online rental platform verbally informed Sandra that the ability to check the availability of her property for less than thirty days was an internal error. Once the error was identified, the online rental platform also informed Sandra that it corrected the error and its internal records confirmed that the settings were last updated December 16, 2023, to only allow bookings of thirty days or more. This was later confirmed again in writing by the short-term rental platform. *See Exhibits 7 and 8.*

49. Sandra immediately contacted Defendants to inform them of the correction.

\$590,000 Fine

50. It was not until over a year later, on April 25, 2025, that Defendants informed Sandra that the third violation took fifty-nine days to correct, and the \$10,000 per day had ballooned to \$590,000. *See Exhibit 9.*

51. This letter stated that Sandra received the third violation on April 12, 2024, and Defendants verified that the advertisement was compliant on June 10,

2024. The City demanded Sandra immediately pay the \$590,000 and informed Sandra that if it is not paid then the City may initiate legal proceedings to collect the fine, including filing an administrative lien on the property “with foreclosure on the lien as an option for collection of the civil fine.” *Id.*

Lien Filed Against the Property

52. On the same day (April 25, 2025) Defendants filed a lien on the Property for \$10,000 for “violation of the Revised Ordinances of Honolulu (2023/NOO-615),” for the second violation and is recorded as Document Number A-9246001159 (Lien) with the State of Hawaii, Bureau of Conveyances. *See Exhibit 10.*

53. A few days later, Defendants notified Sandra that she still owed a fine of \$10,000 due to the second violation and that Defendants had filed a Lien to collect it. *See Exhibit 11.*

Sandra’s minimal culpability and inability to pay

54. Sandra did not intend to advertise for less than thirty days. She had set her online advertisement settings to a 30-day rental minimum since 2019. She purposely tried to comply with the law.

55. Sandra did not intend to rent for less than thirty days. In fact, if a short-term rental booking accidentally came through her online account, she would cancel the reservation even though it diminished her online host status, put her in jeopardy

with the rental platform's policies, and she had to turn down revenue.

56. With each violation, Sandra immediately contacted the online rental platform to figure out how her advertisement was able to be checked for less than thirty days and get it corrected. Employees of the online rental platform informed her that it was an internal error, they were working on it, and that her advertisement settings had been set to 30-day minimums for several years.

57. After the City's enforcement actions in 2025, Sandra suspended her online advertisement entirely, because she could not ensure that the online rental platform would properly limit the duration of her rental offering. The risk of additional violations and more crippling fines far outweighs the benefit of advertising on a platform with broad customer reach.

58. Without a prominent online rental platform to advertise her rental property, Sandra is significantly hindered in her ability to attract interested renters.

59. With no rental income, her only source of income is Social Security.

60. Due to the increasing cost of living and her mounting medical costs, Sandra is unable to keep up with her financial obligations.

61. She is currently in foreclosure for her investment property, a condominium on the west side of Oahu.

62. Without the rental income, Sandra is facing serious financial difficulty that could result in bankruptcy and/or could result in the foreclosure of her primary

residence.

63. Sandra's equity in the property is diminished because around 2019 she took out a reverse mortgage.

64. Sandra is also burdened with significant debt because her Social Security, without supplementation by rental income, no longer covers her expenses amidst an increasingly high cost of living and medical expenses. To repay her debt and avoid bankruptcy, she would need to access the equity in her home through selling or refinancing, an option made impossible by the City's fines and attached lien. Sandra cannot pay the \$600,000 fine and faces inevitable foreclosure and bankruptcy.

65. Sandra cannot afford to pay the City's fines.

CLAIMS FOR RELIEF

Count I

City's Imposition of Excessive Fines Federal Civil Rights Act of 1871 (42 U.S.C. § 1983)

66. The Civil Rights Act of 1871 provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress[.]

42 U.S.C. § 1983.

67. The City, DPP, and the Director are “persons” within the meaning of that term in 42 U.S.C. § 1983.

68. At all times relevant herein, the City, DPP, and the Director acted under color of state law within the meaning of that term in 42 U.S.C. § 1983.

69. Sandra is a citizen of the United States and a “person” within the meaning of those terms in 42 U.S.C. § 1983.

70. Sandra possesses rights, privileges, or immunities secured by the Constitution and laws of the United States.

71. The Supreme Court has instructed courts in section 1983 actions to first “identify[] ‘the specific constitutional right’ alleged to have been infringed.” *McDonough v. Smith*, 588 U.S. 109, 115 (2019); *see also Manuel v. City of Joliet*, 580 U.S. 357, 370 (2017) (“threshold inquiry in a § 1983 suit . . . requires courts to ‘identify the specific constitutional right’ at issue”) (quoting *Albright v. Oliver*, 510 U.S. 266, 271 (1994)).

72. The specific constitutional right at issue here is Sandra’s right, privilege, or immunity to be free of excessive fines as guaranteed by the Eighth and Fourteenth Amendments.

73. The Eighth Amendment provides: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments be inflicted.” U.S. Const. amend. VIII.

74. The Eighth Amendment, as incorporated against the States and their instrumentalities, such as the City through the Fourteenth Amendment, prohibits government-imposed fines that are grossly disproportionate to the gravity of the offense. *Timbs v. Indiana*, 586 U.S. 146 (2019).

75. “[T]he protection against excessive fines guards against abuses of government’s punitive or criminal-law-enforcement authority[,]” and the safeguard has been held to be “fundamental to our scheme of ordered liberty with deep roots in our history and tradition.” *Id.* at 149 (citations and quotations omitted).

76. The excessive fines clause “limits the government’s power to extract payments, whether in cash or in kind, ‘as punishment for some offense.’” *United States v. Bajakajian*, 524 U.S. 321, 327–28 (1998) (quoting *Austin v. United States*, 509 U.S. 602, 609–10 (1993)).

77. Municipal fines are subject to constitutional limitations because the “*Timbs* decision affirmatively open[ed] the door for Eighth Amendment challenges to fines imposed by state and local authorities.” *Pimentel v. City of Los Angeles*, 974 F.3d 917, 922 (9th Cir. 2020).

78. The fines levied against Sandra are government-imposed fines.

79. “Only punitive fines fall within the Clause’s scope; purely remedial sanctions are not subject to Eighth Amendment scrutiny.” *Pimentel v. City of Los Angeles*, 115 F.4th 1062, 1067 (9th Cir. 2024).

80. “It matters not whether the scheme has a remedial purpose, even a predominantly remedial purpose. So long as the law ‘cannot fairly be said *solely* to serve a remedial purpose,’ the Excessive Fines Clause applies.” *Tyler v. Hennepin Cnty.*, 598 U.S. 631, 648 (2023) (Gorsuch, J., concurring) (quoting *Austin v. United States*, 509 U.S. 602, 609–10 (1993)).

81. Defendants’ fine scheme is not solely remedial.

82. Defendants’ fine scheme serves a punitive and deterrent purpose.

83. Defendants’ imposition of fines totaling over \$600,000 is, at least in part, a form of punishment and therefore a “fine” within the meaning of the Excessive Fines Clause.

84. “The touchstone of constitutional inquiry under the Excessive Fines Clause is the principle of proportionality: The amount of the forfeiture must bear some relationship to the gravity of the offense that it is designed to punish.” *Bajakajian*, 524 U.S. at 334.

85. “To determine whether a fine is grossly disproportional to the underlying offense, four factors are considered: (1) the nature and extent of the underlying offense; (2) whether the underlying offense related to other illegal activities; (3) whether other penalties may be imposed for the offense; and (4) the extent of the harm caused by the offense.” *Pimentel*, 974 F.3d at 921 (citation omitted).

86. Sandra has minimal culpability because she set her advertisement settings to be a 30-day rental minimum since 2019. She did not intend to advertise for less than thirty days and quickly corrected her advertisement each time.

87. The advertisement violations are not related to any other illegal activity.

88. Defendants' denial of City services, such as the ability to renew a driver's license or register a vehicle is, at least in part, punitive.

89. Defendants' aggregate fines are grossly disproportionate to the allegations of unlawful advertisement.

90. Defendants' attachment of a \$10,000 lien, the imminent threat of a \$590,000 lien, and the imminent threat of foreclosure are excessive and grossly disproportionate to the alleged offense of an unlawful advertisement.

91. Sandra has no ability to pay the aggregate fines because she is a widow on a fixed income of Social Security, and the rental income from the one-bedroom unit of her home does not cover her monthly expenses.

92. The lien, and threatened liens, significantly impair Sandra's financial stability by threatening her ability to keep her home because in order to pay the fines Sandra would have to sell her home, which would leave Sandra with nothing, or nearly nothing, afterwards.

93. By the actions set forth above, the Defendants have imposed an unconstitutional, excessive fine on Sandra.

PRAYER FOR RELIEF

Plaintiff respectfully requests this Court grant the following relief:

A. Declaratory Judgment—Deprivation of Constitutional Rights:

Issue a declaratory judgment pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57, that the Defendants have deprived, and are depriving, Plaintiff of rights, privileges, or immunities secured by the Constitution and laws, in violation of 42 U.S.C. § 1983:

1. **Excessive Fines:** Issue a declaratory judgment that the fines imposed on Plaintiff by the Defendants are excessive.

B. Injunction—Excessive Fines: Issue an injunction pursuant to Fed. R. Civ. P. 65 enjoining the City and its officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with the City such as defendants DPP and Director, which compels them to release the lien(s) in Plaintiff's name that attaches to Plaintiff's property in the amount of \$600,000, and release any hold on City services.

C. Writs—28 U.S.C. §§ 1361, 1651: Issue any writs requiring the Defendants to perform duties owed to the Plaintiff under 28 U.S.C. §§ 1361 and 1651.

D. Damages—42 U.S.C. § 1983: Enter a judgment for damages against Defendants under 42 U.S.C. § 1983 for the violation of Plaintiff's federal constitutional and civil rights, in an amount to be determined at trial.

E. **Attorney's Fees—42 U.S.C. § 1988:** Allow to Plaintiff a reasonable attorney's fee as part of the costs.

F. Such other relief this Court deems just and proper.

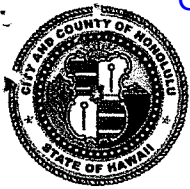
DATED: May 28, 2026.

GREGORY W. KUGLE
HI Bar No. 6502-0
Damon Key Leong Kupchak Hastert
1003 Bishop St., Suite 1600
Honolulu, HI 96813
Telephone: (808) 531-8031
gwk@hawaiilawyer.com

s/ Loren A. Seehase
LOREN A. SEEHASE
HI Bar No. 10414-0
FL Bar No. 1065765
JOHANNA B. TALCOTT*
FL Bar No. 1008094
Pacific Legal Foundation
4440 PGA Blvd., Suite 307
Palm Beach Gardens, FL 33410
Telephone: (561) 691-5000
LSeehase@pacificlegal.org
JoTalcott@pacificlegal.org

ADITYA DYNAR*
DC Bar No. 1686163
AARON NEWELL*
AR Bar No. 2022182
Pacific Legal Foundation
3100 Clarendon Blvd., Suite 1000
Arlington, VA 22201
Telephone: (202) 888-6881
ADynar@pacificlegal.org
ANewell@pacificlegal.org

Attorneys for Plaintiff
**Pro hac vice forthcoming*



DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET * HONOLULU, HAWAII 96813
Fax: (808) 768-4400

Notice of Violation

(Short Term Rental)

Violation No.: **2023/NOV-06-079 (ST)**

Date: **June 16, 2023**

Owner(s)

SANDRA W. MAY
4534 SIERRA DRIVE
HONOLULU, HAWAII 96816

Contractor(s)

Tenant/Violator

Architect/Plan Maker

Lessee

Agent

Engineer

TMK: **3-3-024:003 4534 SIERRA DR Honolulu / Waialae Kahala 96816**

Specific Address of Violation: 4534 SIERRA DR

User ID#: N/A

Number of Bedrooms: 1

Advertisement Identifying Information:

<https://www.airbnb.com/rooms/24677665>

I have verified that on June 8, 2023, the above-described premises is advertised in violation of the following ordinance(s) of the 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 2021, as amended, Chapter 21
Section 21-5.730 (d) (2) (D)**

Unpermitted bed and breakfast or transient vacation unit is being advertised for 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

Notice of Violation 2019/NOV-10-257 was previously issued on 10/29/2019.

Inspector

Tax Map Key: 3-3-024:003

airbnb.com/rooms/24677665?source_impression_id=ps_1421545056&sumFid=61634779&check_in=2024-02-02&guests=2&adults=1¶Tab=V-standar

CLEAN, COOL, COZY, 1BR TOP WILHELMINA RISE

★ 4.89 · 18 reviews · Honolulu, Hawaii, United States

Share Save



Entire guest suite hosted by Sandra
2 guests · 1 bedroom · 2 beds · 1 bath



\$110 night

★ 4.89 · 18 reviews

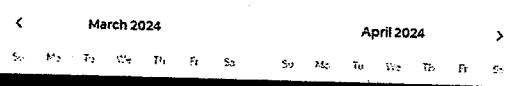
Great for remote work
Fast wifi of 200 Mbps, plus code reader, new laptop

Select dates

Minimum stay: 7 nights

Calendar interface showing check-in (3/2/2024) and checkout (3/9/2024) dates.

Self check-in
Check yourself in with the keybox.



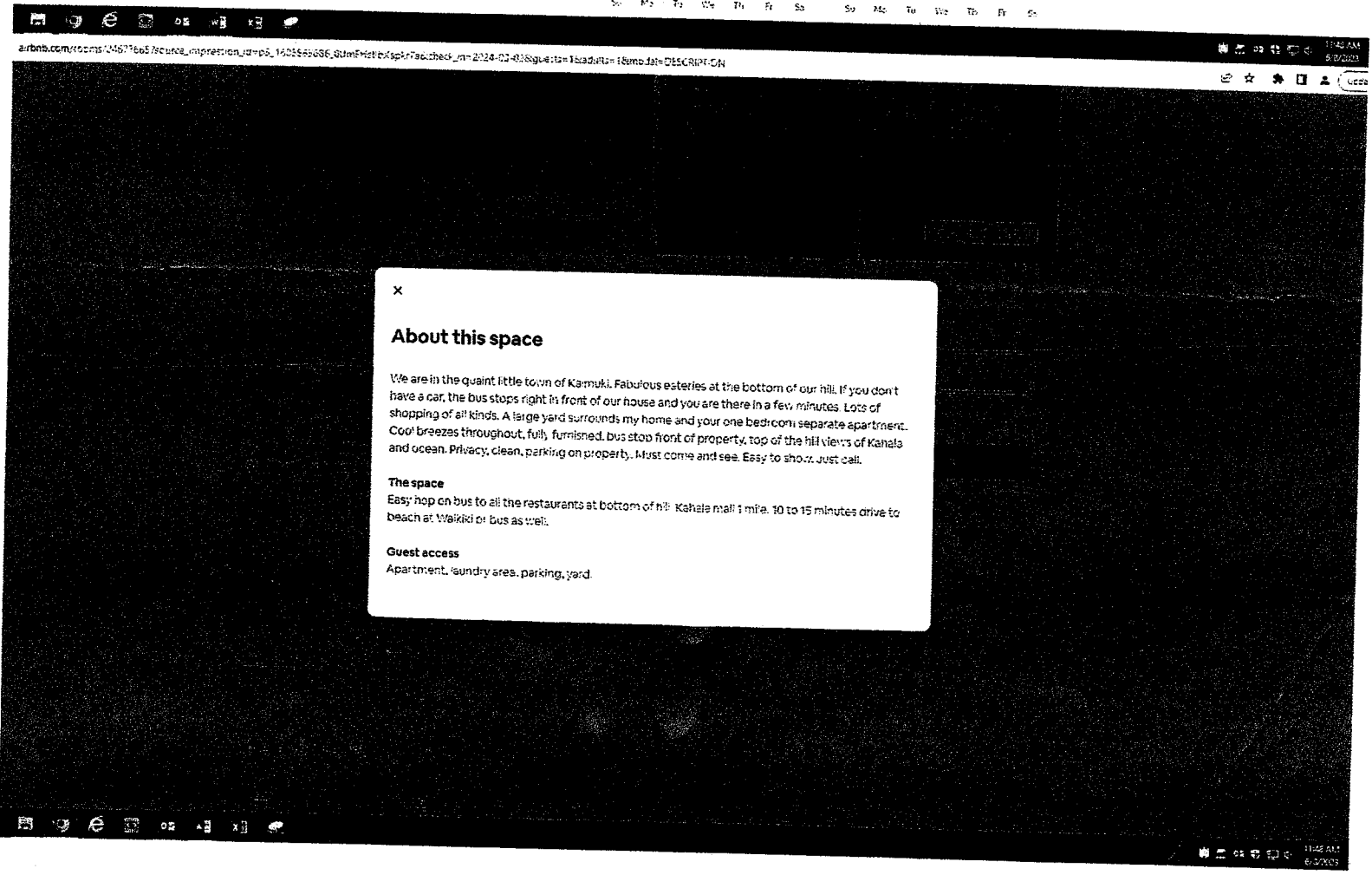
Complain
888 768 8810
7/7

About this space

We are in the quaint little town of Kamuku. Fabulous eateries at the bottom of our hill. If you don't have a car, the bus stops right in front of our house and you are there in a few minutes. Lots of shopping of all kinds. A large yard surrounds my home and your one bedroom separate apartment. Cool breezes throughout, fully furnished, bus stop front of property, top of the hill views of Kahala and ocean. Privacy, clean, parking on property. Must come and see. Easy to show. Just call.

The space
Easy hop on bus to all the restaurants at bottom of hill. Kahala mall 1 mile. 10 to 15 minutes drive to beach at Waikiki or bus as well.

Guest access
Apartment, laundry area, parking, yard.

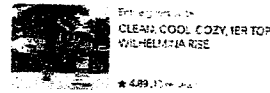


Request to book

Your trip

Dates
Mar 2 - 9, 2024 [Edit](#)

Guests
1 guest [Edit](#)



Price details

\$129.00 x 7 nights	\$840.00
Weekly stay discount	-\$54.00
Cleaning fee	\$170.00
Airbnb service fee	\$120.73
Total (USD)	\$1,056.73

Choose how to pay

Pay in full
Pay the total (\$1,056.73) now and you're all set.

Pay part now, part later
\$211.35 due today, \$845.38 on Feb 19, 2024. No extra fees.
[More info](#)

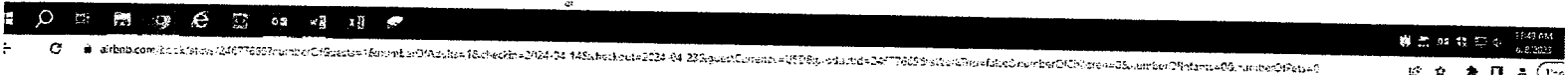
Log in or sign up to book

Country/Region
United States (+1) [▼](#)

Phone number

We'll call or text you to confirm your number. Standard message and data rates apply. [Privacy Policy](#)

Continue

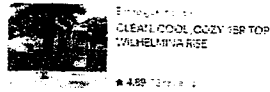


Request to book

Your trip

Dates
Apr 14 - 23, 2024 [Edit](#)

Guests
1 guest [Edit](#)



Price details

\$126.00 x 9 nights	\$1,134.00
Weekly stay discount	-\$112.40
Cleaning fee	\$170.00
Airbnb service fee	\$168.09
Total (USD)	\$1,358.69

Choose how to pay

Pay in full
Pay the total (\$1,358.69) now and you're all set.

Pay part now, part later
\$271.74 due today, \$1,086.95 on Apr 2, 2024. No extra fees.
[More info](#)

Log in or sign up to book

Country/Region
United States (+1) [▼](#)

Phone number

We'll call or text you to confirm your number. Standard message and data rates apply. [Privacy Policy](#)

Continue



Map Search Save Search Save File Results Report Home Sub-Items

Results
 Parcel ID - 23024001000
 AHS# - 75924000000
 Address - 4534 SIERRA CT
 Owner - KAN SANDRA W
 Acres - 0.2793
 Easement
 View Details/Map/3D

Parcel ID 23024001000
Address 4534 SIERRA CT
Class RESIDENTIAL
Site/Physical Address 4534 SERRA CT
Brief Tax Description PGR LOT 512 SEC 8 PALO ALTO HILL TRACT REG MAP 112 02,167 SF DES
Note: Not to be used on legal documents

Assessed Land Value	\$1,207,100	Last 2 Sales
Assessed Building Value	\$97,900	Date Price Reason Qual
Total Property Assessed Value	\$1,305,000	n/a C n/a n/a
Total Property Exemptions	\$140,000	n/a C n/a n/a
Total Net Taxable Value	\$1,165,000	

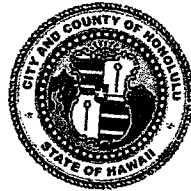
esri

11:50 AM 5/28/2023

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/dpp

RICK BLANGIARDI
MAYOR



DAWN TAKEUCHI APUNA
DIRECTOR
JIRO A. SUMADA
DEPUTY DIRECTOR

VIA REGULAR MAIL AND
CERTIFIED MAIL RESTRICTED DELIVERY
RETURN RECEIPT REQUESTED
7021 1970 0001 8678 8715

NOTICE OF ORDER

NO.: 2023/NOO-615 (1st Recurring Violation)

DATE: June 16, 2023

TO: Owner/Contractor/Lessee/Tenant: _____

Owner: Sandra W. May

4534 Sierra Drive

Honolulu, Hawaii 96816

Address of Violation: 4534 Sierra Drive - Honolulu/Waialae-Kahala

Tax Map Key: 3-3-024: 003 (POID 136370)

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. 2023/NOV-06-079 is hereby issued (copy attached). This is a recurring violation in which NOV No. 2019/NOV-10-257 was issued on October 29, 2019, for advertising an unpermitted bed and breakfast or transient vacation unit for a rental period of less than 30 consecutive days. Notice of Order (NOO) No. 2019/NOO-510 was subsequently issued on November 20, 2019, and assessed a civil fine of \$2,000. 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, Tai Chow at (808) 768-8904, 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.

2023/NOO-615 (1st Recurring Violation)
Page 2

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 Chapter 3, Section 20-3-4, of the DPP'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, delivery, or publication. Before such time, any person affected by this order may file an administrative appeal of any provision in this order with the Zoning Board of Appeals (ZBA). 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 to the ZBA within the specified time may result in a waiver of the right to appeal. An appeal to the ZBA does not suspend any provision of the order, including the imposition of the civil fines. Copies of the rules of the ZBA are available on DPP's website (www.honolulu.gov/dpp), at the DPP and Office of the City Clerk.

*****NOTICE*****

1. You have an **outstanding violation** on your property, and **fines will continue to accrue until the outstanding violation is corrected.** If you have any questions regarding this violation, please contact Tai Chow at (808) 768-8904.
2. Once the inspector has verified that the outstanding violation has been corrected, the fines will stop accruing.
3. **After the outstanding violation has been corrected** and you have questions regarding your fines, please contact the Code Compliance Branch at (808) 768-8110.

*Talked to M. Chow 6/22/23
Did NOT have certified
Notice. Just Normal
Mail received 6/22/23
Called him back 6/23/23 after making correction on abmb.*

Dawn Takeuchi Apuna
Director

DTA:aa

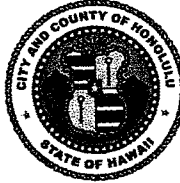
Attachment

cc: Tai Chow, Customer Service Division,
Short-Term Rental Enforcement Branch

DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

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

RICK BLANGIARDI
MAYOR
MEIA



DAWN TAKEUCHI APUNA
DIRECTOR
PO'O

JIRO A. SUMADA
DEPUTY DIRECTOR
HOPE PO'O

August 11, 2023

2023/NOO-615(AA)

Ms. Sandra W. May
4534 Sierra Drive
Honolulu, Hawaii 96816

Dear Ms. May:

SUBJECT: Notice of Order (NOO) No. 2023/NOO-615
(1st Recurring Violation)
Notice of Violation (NOV) No. 2023/NOV-06-079
Outstanding Fine
4534 Sierra Drive - Honolulu/Waialae-Kahala
Tax Map Key 3-3-024: 003 (POID 136370)

The inspector has determined that the above NOV, issued for advertising an unpermitted bed and breakfast or transient vacation unit for rental periods of less than 30 consecutive days, was corrected on June 23, 2023, when he verified that the advertisement had been modified to only permit 30-nights minimum bookings. Although the violation was resolved, a civil fine of \$10,000 is due and owing because this is a recurring violation. The file, No. 2023/NOO-615, will be closed immediately upon receipt of payment.

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

Ms. Sandra W. May
August 11, 2023
Page 2

If you do not pay the fine within 30 days from the date of this letter, we will initiate filing a lien against your property with the Bureau of Conveyances for the total amount of the unpaid fines with foreclosure on the lien as an option for collection of the outstanding civil fine. This lien shall remain in effect until the unpaid civil fines are paid in full or until a certificate of release or partial release of the lien, prepared by the department at the owner's expense, is recorded. In addition to the enforcement action mentioned above, an advisory notice will be placed on this property, and you will not be able to register your vehicle nor renew your driver's license, until the outstanding fine is paid, and the case resolved.

Please be advised that any future violation of the same nature will be considered a recurring violation. In that event, you will be subject to an immediate fine of \$10,000 minimum.

Should you have any questions, please contact the Code Compliance Branch, at (808) 768-8110.

Very truly yours,



Dawn Takeuchi Apuna
Director

DTA:aa

(808) 7688001

*Now get feds
11. Took short*

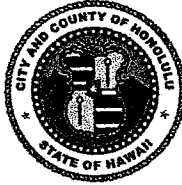
Booked Next yr Long - 30+

*Ann Asaomi
↓
TAI 7688110*

**DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU**

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

RICK BLANGIARDI
MAYOR
MEIA



DAWN TAKEUCHI APUNA
DIRECTOR
PO'O

JIRO A. SUMADA
DEPUTY DIRECTOR
HOPE PO'O

September 8, 2023

2019/NOO-510(AA)

Ms. Sandra W. May
4534 Sierra Drive
Honolulu, Hawaii 96816

Dear Ms. May:

**SUBJECT: Notice of Order (NOO) No. 2019/NOO-510
Notice of Violation (NOV) No. 2019/NOV-10-257
Closure of File
4534 Sierra Drive - Honolulu/Waiialae-Kahala
Tax Map Key 3-3-024: 003 (POID 136370)**

This is to follow-up on your phone conversation with Ann Asaumi of our staff on August 31, 2023, concerning the above NOO. After further review of your case, the Department of Planning and Permitting (DPP) is cancelling NOO No. 2019/NOO-510, which was issued on November 20, 2019, for advertising an unpermitted bed and breakfast or transient vacation unit for rental periods of less than 30 consecutive days. Hence, all civil fines imposed by NOO No. 2019/NOO-510, have been dismissed.

The inspector assigned to your case initially deemed the above violation corrected on November 21, 2019, which would have entailed the imposition of civil fines. However, after reviewing the information that came forth after issuing the NOO, the DPP reconsidered their previous decision and deemed the violation corrected on November 9, 2019. Since the new correction date predates the date of issuance of the NOO, and being that this was the first time you committed a violation involving Chapter 21, Revised Ordinances of Honolulu, it would follow that the NOO be nullified.

Ms. Sandra W. May
September 8, 2023
Page 2

We apologize for any inconvenience this may have caused. Should you have any questions, please contact Ann Asaumi of our Code Compliance Branch, at (808) 768-8112.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dawn', with a stylized flourish extending to the right.

Dawn Takeuchi Apuna
Director

DTA:aa



CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET * HONOLULU, HAWAII 96813

Fax: (808) 768-4400

Notice of Violation

(Short Term Rental)

Violation No.: 2024/NOV-04-007 (ST)

Date: April 10, 2024

Owner(s)

SANDRA W. MAY
4534 SIERRA DRIVE
HONOLULU, HAWAII 96816

Contractor(s)

Tenant/Violator

Architect/Plan Maker

Lessee

Agent

Engineer

TMK: 3-3-024:003 4534 SIERRA DR Honolulu / Waialae Kahala 96816

Specific Address of Violation: 4534 Sierra Dr

User ID#: N/A

Number of Bedrooms: 1

Advertisement Identifying Information:

<https://www.airbnb.com/rooms/24677665>

I have verified that on March 19, 2024, the above-described premises is advertised in violation of the following ordinance(s) of the 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 2021, as amended, Chapter 21
Section 21-5.730 (d) (2) (D)

Unpermitted bed and breakfast or transient vacation unit is being advertised for 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

Previously issued Notice of Violation(s):

2019/NOV-10-257

2023/NOV-06-079

Inspector _____

Phone: _____

for the Director Department of Planning and Permitting

Inspector 

Marcus Asami

Phone: (808) 768-8908

for the Director Department of Planning and Permitting

Address: 4534 SIERRA DR (Screenshots taken 03/19/2024 @ 1210)

Tax Map Key: 3-3-024:003

airbnb.com/rooms/24677665?source_impression_id=p3_1710885667_F14sUUK5vRYK2rk&guests=1&adults=1&check_in=2024-03-19&check_out=2024-05-20



Anywhere Any week Add trips

Airbnb your home

CLEAN, COOL, COZY, 1BR TOP WILHELMINA RISE

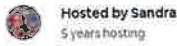
Share Save



Entire rental unit in Honolulu, Hawaii

2 guests · 1 bedroom · 1 bed · 1 bath

★ 4.75 · 20 reviews



\$110 night

CHECK-IN: 5/19/2024 CHECK-OUT: 5/20/2024

GUESTS: 1 guest

Reserve

Great for remote work

12:08 PM 3/19/2024

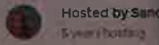
airbnb.com/rooms/24677665?source_impression_id=p3_1710885667_F14sUUK5vRYK2rk&guests=1&adults=1&check_in=2024-03-19&check_out=2024-05-20&modal=DESCRIPTION



Entire rental unit in Honolulu, Hawaii

2 guests · 1 bedroom · 1 bed · 1 bath

★ 4.75 · 20 reviews



Great for remote work

Self check-in

Free cancellation

We are in the quaint little town of Kaimuki. Fabulous eateries at the bottom of our hill, if you don't have a car, the bus stops right in front of our house and you are there in a few minutes. Lots of shopping of all kinds. A large yard surrounds my home and your one bedroom separate apartment. Cool breezes throughout, fully furnished, bus stop front of property, top of the hill views of Kahala and ocean. Privacy, clean, parking on property. Must come and see. Easy to show. Just call...

Show more >

About this space

We are in the quaint little town of Kaimuki. Fabulous eateries at the bottom of our hill, if you don't have a car, the bus stops right in front of our house and you are there in a few minutes. Lots of shopping of all kinds. A large yard surrounds my home and your one bedroom separate apartment. Cool breezes throughout, fully furnished, bus stop front of property, top of the hill views of Kahala and ocean. Privacy, clean, parking on property. Must come and see. Easy to show. Just call...

The space
Easy hop on bus to all the restaurants at bottom of hill. Kahala mall 1 mile, 10 to 15 minutes drive to beach at Walkiki or bus as well.

Guest access
Apartment, laundry area, parking, yard.

Registration number
133024003000, 133024003000, TA-053-890-8672-01

Where you'll sleep

12:11 PM 3/19/2024



Request to book

Your trip

Dates

May 19 - 20

Edit

Guests

1 guest

Edit



CLEAN, COOL, COZY, 1BR TOP
WILHELMINA RISE
Entire rental unit
★ 4.75 (20 reviews)

Price details

\$110.00 x 1 night	\$110.00
Cleaning fee	\$195.00
Airbnb service fee	\$43.06
Total (USD)	\$348.06

Choose how to pay

Pay in full
Pay the total (\$348.06)

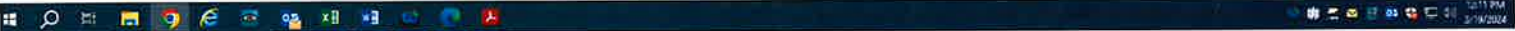
Pay part now, part later
\$69.62 due today, \$278.44 on May 11, 2024. No extra fees. [More info](#)

Pay with

VISA AMEX DISCOVER PayPal

Bank Account

Connect your bank



Request to book

Your trip

Dates

May 30 - Jun 10

Edit

Guests

1 guest

Edit



CLEAN, COOL, COZY, 1BR TOP
WILHELMINA RISE
Entire rental unit
★ 4.75 (20 reviews)

Price details

\$112.91 x 11 nights	\$1,242.00
Cleaning fee	\$195.00
Airbnb service fee	\$202.87
Total (USD)	\$1,639.87

Travel insurance

Add peace of mind for \$102.49
Get reimbursed if you cancel due to illness, flight delays, and more.
Plus, get assistance services like emergency help.

[What's covered](#)

Choose how to pay

Pay in full
Pay the total (\$1,639.87)

Pay part now, part later with Airbnb
\$327.98 due today, \$1,311.89 on May 22, 2024. No extra fees.
[More info](#)

Pay monthly with Klarna

Oliver Bauman
3



2024/NOO-0205 (1st Recurring Violation)
Page 2

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, Hawai'i 96813.

If the fine is not paid and/or the violation is not corrected by the due date, this matter may be referred to a Collections Agency, 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 Chapter 3, Section 20-3-4, of the DPP'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, delivery, or publication. Before such time, any person affected by this order may file an administrative appeal of any provision in this order with the Zoning Board of Appeals (ZBA). 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 to the ZBA within the specified time may result in a waiver of the right to appeal. An appeal to the ZBA does not suspend any provision of the order, including the imposition of the civil fines. Copies of the rules of the ZBA are available on DPP's website (www.honolulu.gov/dpp), at the DPP, and Office of the City Clerk.

*******NOTICE*******

1. You have an **outstanding violation** on your property, and **fines will continue to accrue until the outstanding violation is corrected.** If you have any questions regarding this violation, please contact Marcus Asami at (808) 768-8908.
2. Once the inspector has verified that the outstanding violation has been corrected, the fines will stop accruing.

2024/NOO-0205 (1st Recurring Violation)
Page 3

3. **After the outstanding violation has been corrected** and you have questions regarding your fines, please contact the Code Compliance Branch at (808) 768-8110.

DTA

Dawn Takeuchi Apuna
Director

DTA:aa

Attachment

cc: Marcus Asami, Customer Service Division,
Short-Term Rental Enforcement Branch



Airbnb Support

Call us

AI assistant 8:21 PM

Got it. I'll transfer this conversation to a member of our team, including any details you add while you wait.

How would you like to call us?

Call 14158005959 >

Call (toll-free) 18442342500 >

Use wifi or mobile data >

If you need to get back to this conversation, you can find it again in **Messages**.



Airbnb Support 9:14 PM

Hi Sandra.

Thank you for reaching out.

This is Pao, one of the Airbnb support ambassador. I am sending this message on the conversation that we had today. My apologies for any confusion about what happened with regard to your listing calendar, since upon investigating, we were able to confirm that you were able to update the minimum night prior to reserving the listing. What I am going to do is, I will be reporting this through our engineering team to see what happened so that I will be able to provide you with the reason why your guest reserved your listing for just 11 days, even though you have a minimum night of 30 days.

I do apologize for any frustration and inconvenience that this may cause. This is not the experience that we would like you to have.

If you have any other questions please feel free to start a new chat with us, we are happy to help!
You can visit our Help Center if you have any inquiries.
<https://www.airbnb.com/help>

We understand you've encountered an issue with the minimum night listing.

Thanks for bringing this to our attention. We've shared the details with our engineers for review.
Resolving this as quickly as possible is a top priority, and we appreciate your patience and understanding as we work through these adjustments.





Hello Sandra,

It was nice talking with you earlier. Thank you for your patience and for clearly explaining the situation. I know dealing with platform issues on top of local government concerns is stressful, and I'm happy I was able to take care of a few things for you.

As promised, here is a summary of the actions I've taken:

- Reservation HM8DPD3S8E: I have successfully processed the cancellation. All associated penalties have been waived, and if any cancellation fees were charged, they are being refunded to your payout method.
- "SANDY Beach/Ocean Front 1BED - MAILI OASIS" Listing: This listing has been permanently removed from the Airbnb platform on the Airbnb platform.
- Booking Issue on "CLEAN, COOL, COZY, 1BR TOP WILHELMINA RISE" Listing: I want to apologize again for the error that allowed an 11-night booking despite your 30-night minimum setting. I have confirmed that you updated your minimum night stay to 30 last December 16, 2023. This will be documented and further investigated by our Engineers.

Please know that upon further investigation earlier, your minimum nights for listing: CLEAN, COOL, COZY, 1BR TOP WILHELMINA RISE last update was December 16, 2023, where your minimum

nights were 30. The recent reservation from your Guest Jess that was 11 minimum nights can be considered as an error. We apologize for this matter, and will make sure to inform our Engineers regarding this case.

I truly hope things get sorted out smoothly with your local rental regulations. We're wishing you the very best.

With these items addressed, I will go ahead and close this case. If you need help with anything in the future, please know that we're always here to assist. You can reach us anytime at airbnb.com/help/contact_us or +1-415-800-5959.

Thank you for your partnership.

Kind regards,

[Quoted text hidden]



Airbnb Support

We understand you've encountered an issue with the minimum night listing.

Thanks for bringing this to our attention. We've shared the details with our engineers for review.

Resolving this as quickly as possible is a top priority, and we appreciate your patience and understanding as we work through these adjustments.

[Quoted text hidden]

DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041 • WEBSITE: honolulu.gov/dpp

RICK BLANGIARDI
MAYOR
MEIA



DAWN TAKEUCHI APUNA
DIRECTOR
PO'O

BRYAN GALLAGHER, P.E.
DEPUTY DIRECTOR
HOPE PO'O

REGINA MALEPEAI
2ND DEPUTY DIRECTOR
HOPE PO'O KUALUA

April 25, 2025

Ms. Sandra W. May
4534 Sierra Drive
Honolulu, Hawai'i 96816-4024

Dear Ms. May:

SUBJECT: Notice of Order (NOO) No. 2024/NOO-0205
(1st Recurring Violation)
Notice of Violation (NOV) No. 2024/NOV-04-007
Outstanding Fine
4534 Sierra Drive – Honolulu/Wai'ala'e-Kāhala
Tax Map Key 3-3-024: 003 (POID 136370)

The Department of Planning and Permitting (DPP) has determined that the subject NOV issued for advertising an unpermitted bed and breakfast or transient vacation unit for rental periods of less than 30 consecutive days, has been corrected. On June 10, 2024, the DPP verified that the advertisement was compliant with the law. Although the violation was resolved, a total of \$590,000 in fines have accrued (59 days at \$10,000/day from when the subject notices were received on April 12, 2024 until the DPP verified that the advertisement was compliant with the law and the violation deemed corrected on June 10, 2024). The NOO file, No. 2024/NOO-205 (1st Recurring Violation), will be closed immediately upon receipt of payment.

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, Hawai'i 96813

March Hosp
April Rehab Hosp

Exhibit 9

NEM

Ms. Sandra W. May
April 25, 2025
Page 2

If you do not respond within 30 days from the date of this letter, the DPP will begin legal proceedings to collect the fine. Such action will involve recording the civil fine as an administrative lien on the property with foreclosure on the lien as an option for collection of the civil fine. In addition, the DPP may refer your case to our collections agency, Aargon Hawai'i. In that event, they will work with you towards resolving your outstanding balance. The DPP may also place an advisory notice with the City and County of Honolulu Department of Customer Services, Division of Motor Vehicles and you will not be able to register your vehicle nor renew your driver's license, until the fine is paid.

Please be advised that any future violation of the same nature will be considered a recurring violation. In that event, you will be subject to an immediate fine of \$10,000 minimum.

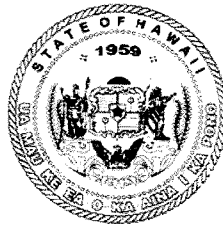
Should you have any questions, please contact our Code Compliance Branch, at (808) 768-8110.

Sincerely,



Department of Planning and Permitting
City and County of Honolulu

Del Pilar



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
 April 25, 2025 1:36 PM
 Doc No(s) A - 9246001159

Pkg 12531227 KEO

/s/ MIKE H. IMANAKA
 REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (X) Pickup ()
 City and County of Honolulu
 Department of Planning and Permitting
 Code Compliance Branch
 650 S. King Street, 8th Floor
 Honolulu, HI 96813

TMK: 3-3-024: 003-0000

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PLANNING AND PERMITTING
CERTIFICATE OF COUNTY CIVIL FINE LIEN

It is hereby certified that the following named violator(s) (is) (are) indebted to the City and County of Honolulu for assessed civil fines as shown below. By virtue thereof, said civil fines (including daily assessments until the violation(s) is corrected) constitute liens in favor of the County upon the following property and rights to property belong to said violator(s):


Name(s) of Violator(s): **Sandra Wainwright May**
 Residence or Business Address: 4534 Sierra Drive, Honolulu, Hawaii 96816-4024
 EFFECTIVE DATE: April 25, 2025

<u>Year Period</u>	<u>Fine</u>	<u>Daily Fine Rate Until Correction</u>	<u>Total</u>
06/16/2023 - 06/23/2023	\$10,000		\$10,000
Total			\$10,000

Said civil fine assessed for violation of the Revised Ordinances of Honolulu (2023/NOO-615) as liens affect all real property and interests in real property owned by Sandra Wainwright May, including but not limited to:

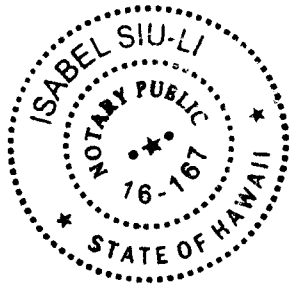
Certificate(s) of Title No: N/A Document No.: A-71350728
 Tax Map Key / Lot: 3-3-024: 003-0000 Street Address: 4534 Sierra Drive
 Description: Por. of Lot No. 512 in Section "E" of "Palolo Hill Tract," as shown on Registered Map No. 112, and containing an area of 12,167 s.f., more or less

Dated: April 25, 2025


 Dawn Takeuchi Apuna, Director
 Department of Planning and Permitting
 City and County of Honolulu

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this 25th day of April, 2025 before me appeared Dawn Takeuchi Apuna personally known, who, being by me duly sworn, did say that she is the Director of the Department of Planning and Permitting of the City and County of Honolulu, a municipal corporation, and that the instrument was signed on behalf of said municipal corporation by authority of its City Council, and said Officer acknowledged the instrument to be the free act and deed of said municipal corporation.

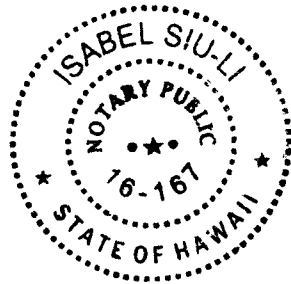


Isabel Siu-Li
Notary Public, State of Hawaii
Isabel Siu-Li

My Commission Expires: May 15, 2028

Doc. Date: APR 25 2025 # Pages: 2

Notary Name: Isabel Siu-Li First Circuit



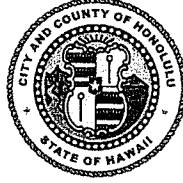
Doc. Description: Certificate of County Civil Fine Lien

Isabel Siu-Li APR 25 2025
Notary Signature Date

DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041 • WEBSITE: honolulu.gov/dpp

RICK BLANGIARDI
MAYOR
MEIA



DAWN TAKEUCHI APUNA
DIRECTOR
PO'O

BRYAN GALLAGHER, P.E.
DEPUTY DIRECTOR
HOPE PO'O

REGINA MALEPEAI
2ND DEPUTY DIRECTOR
HOPE PO'O KUALUA

April 30, 2025

VIA REGULAR MAIL AND
CERTIFIED MAIL
RETURN RECEIPT REQUESTED
9589 0710 5270 3005 5648 26

Ms. Sandra W. May
4534 Sierra Drive
Honolulu, Hawaii 96816-4024

Dear Ms. Way:

SUBJECT: Notice of Order (NOO) No. 2023/NOO-615
Notice of Violation (NOV) No. 2023/NOV-06-079
4534 Sierra Drive – Honolulu/Wai'alaie-Kāhala
Tax Map Key 3-3-024: 003 (POID 136370)

The subject NOO was issued on June 16, 2023 for advertising an unpermitted bed and breakfast or transient vacation unit for rental periods of less than 30 consecutive days. The NOO required you to immediately cease and desist the bed and breakfast and/or transient vacation unit activity, remove the rental solicitation listing from your website, and to pay a daily fine of \$10,000 until the violation is corrected. On June 23, 2023, the Department of Planning and Permitting (DPP) verified that the advertisement had been modified to only permit 30-nights minimum bookings. The total amount of outstanding civil fine is \$10,000.

Ms. Sandra W. Way
April 30, 2025
Page 2

Please be advised that on April 25, 2025, an administrative lien (Doc No. A-9246001159) was recorded on the property with foreclosure an option to collection of the fines. Attached for your information is a copy of the lien document. In addition to the enforcement action mentioned above, DPP may refer your case to its collections agency, Aargon Hawai'i. In that event, Aargon Hawai'i will work with you towards resolving your outstanding balance. The DPP may also place an advisory notice with the City and County of Honolulu Department of Customer Services, Division of Motor Vehicles and you will not be able to register your vehicle nor renew your driver's license, until the fine is paid.

If you have any questions regarding what action is needed to resolve this case and to remove the lien and other penalties being applied, please contact our Code Compliance Branch at (808) 768-8110.

Sincerely yours,



for Department of Planning and Permitting
City and County of Honolulu

Attachment

THE ORIGINAL OF THE DOCUMENT
 RECORDED AS FOLLOWS:
 STATE OF HAWAII
 BUREAU OF CONVEYANCES
 DOCUMENT NO. Doc A - 9246001159
 DATE - TIME 4/25/2025 1:36 PM

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (X) Pickup ()
 City and County of Honolulu
 Department of Planning and Permitting
 Code Compliance Branch
 650 S. King Street, 8th Floor
 Honolulu, HI 96813

TMK: 3-3-024: 003-0000

CITY AND COUNTY OF HONOLULU
 DEPARTMENT OF PLANNING AND PERMITTING
CERTIFICATE OF COUNTY CIVIL FINE LIEN

It is hereby certified that the following named violator(s) (is) (are) indebted to the City and County of Honolulu for assessed civil fines as shown below. By virtue thereof, said civil fines (including daily assessments until the violation(s) is corrected) constitute liens in favor of the County upon the following property and rights to property belong to said violator(s):

Name(s) of Violator(s): **Sandra Wainwright May**
 Residence or Business Address: 4534 Sierra Drive, Honolulu, Hawaii 96816-4024

EFFECTIVE DATE: April 25, 2025

<u>Year Period</u>	<u>Fine</u>	<u>Daily Fine Rate Until Correction</u>	<u>Total</u>
06/16/2023 - 06/23/2023	\$10,000		\$10,000
Total			\$10,000

Said civil fine assessed for violation of the Revised Ordinances of Honolulu (2023/NOO-615) as liens affect all real property and interests in real property owned by Sandra Wainwright May, including but not limited to:

Certificate(s) of Title No: N/A
 Tax Map Key / Lot 3-3-024: 003-0000
 Description: Por. of Lot No. 512 in Section "E" of "Palolo Hill Tract," as shown on Registered Map No. 112, and containing an area of 12,167 s.f., more or less

Document No.: A-71350728
 Street Address: 4534 Sierra Drive

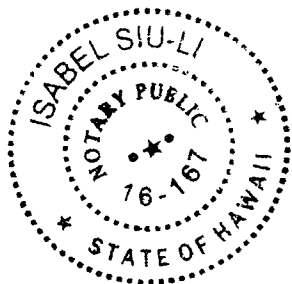
Dated: April 25, 2025



Dawn Takeuchi Apuna, Director
 Department of Planning and Permitting
 City and County of Honolulu

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this 25th day of April, 2025 before me appeared Dawn Takeuchi Apuna personally known, who, being by me duly sworn, did say that she is the Director of the Department of Planning and Permitting of the City and County of Honolulu, a municipal corporation, and that the instrument was signed on behalf of said municipal corporation by authority of its City Council, and said Officer acknowledged the instrument to be the free act and deed of said municipal corporation.



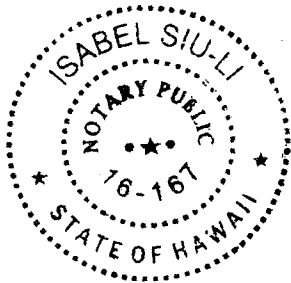
Isabel Siu-Li
Notary Public, State of Hawaii
Isabel Siu-Li

My Commission Expires: May 15, 2028

Doc. Date: APR 25 2025 # Pages: 2

Notary Name: Isabel Siu-Li First Circuit

Doc. Description: Certificate of County
Civil Fine Lien



Isabel Siu-Li APR 25 2025
Notary Signature Date

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. S I S T U C T I O S O T P A O T H I S O M.

I. (a) PLAINTIFFS SANDRA MAY

(b) County of Residence of First Listed Plaintiff Honolulu
C P T I U.S. PLA I T I C A S S

(c) Attorneys firm name, Address, and Telephone number
See attachment.

DEFENDANTS

CITY AND COUNTY OF HONOLULU; DEPARTMENT OF PLANNING AND PERMITTING OF THE CITY AND COUNTY OF HONOLULU; DAWN TAKEUCHI APUNA.

County of Residence of First Listed Defendant
I U.S. PLA I T I C A S S O L

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys If Kno n

II. BASIS OF JURISDICTION Place an in One Box Only

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question U.S. overnment of a Party
4 Diversity Indicate Citi enship of Parties in Item III

III. CITIZENSHIP OF PRINCIPAL PARTIES Place an in One Box for Plaintiff and One Box for Defendant

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT Place an in One Box Only

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, PERSONAL INJURY, PERSONAL PROPERTY, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN Place an in One Box Only

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District specify
6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1983, violation of constitutional right
Brief description of cause:
Eighth Amendment excessive fine challenge

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION DEMAND \$ UNDER RULE 23, F.R.Cv.P. CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

See instructions JUDGE DOCKET NUMBER

DATE May 28, 2026 SIGNATURE OF ATTORNEY OF RECORD s/ Loren A. Seehase

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Attachment to Civil Cover Sheet

Plaintiff's Attorneys:

GREGORY W. KUGLE
HI Bar No. 6502-0
Damon Key Leong Kupchak Hastert
1003 Bishop St., Suite 1600
Honolulu, HI 96813
Telephone: (808) 531-8031
gwk@hawaiilawyer.com

LOREN A. SEEHASE
HI Bar No. 10414-0
FL Bar No. 1065765
JOHANNA TALCOTT*
FL Bar No. 1008094
Pacific Legal Foundation
4440 PGA Blvd., Suite 307
Palm Beach Gardens, FL 33410
Telephone: (561) 691-5000
LSeehase@pacificlegal.org
JoTalcott@pacificlegal.org

ADITYA DYNAR*
DC Bar No. 1686163
AARON NEWELL*
AR Bar No. 2022182
Pacific Legal Foundation
3100 Clarendon Blvd., Suite 1000
Arlington, VA 22201
Telephone: (202) 888-6881
ADynar@pacificlegal.org
ANewell@pacificlegal.org

*Pro hac vice forthcoming