

Orchidland Community Association, Inc.
c/o Data Processing Services, Inc.
99 Aupuni Street, Suite 206
Hilo, HI 96720-4277

Official Website: www.Orchidland.org
Orchidlandcommunityassociation@gmail.com
Phone: 808-464-5598

October 2018 Newsletter

Board of Directors

President

Steve (Mongo) Lyon

Vice President

Doug Anderson*

Treasurer

Tegen Greene

Secretary

Frederic (Ric) Wirick*

Directors:

Sky Platt*

Jeremai Cann

Steven Baca

Don Stoner

Paul imaizumi

John Erickson

James E. Higgins III

Aloha Orchidland Community Association Members,

Mahalo for your continued Community support since July 2015. Payment of your annual Mandatory Road Maintenance Assessment fees has allowed us, your elected (volunteer) Board of Directors (BOD) and Road Maintenance Committee (RMC), to effectively manage the maintenance and improvements of the 40 miles of private roads within Orchidland Estates.

As a Community Association, a 414D and 501c4 nonprofit, Orchidland Community Association, Inc. (OLCA) remains a democratically controlled association with the membership approving elections, annual budgets, road fees and more via annual ballot voting. These OLCA Ballots are sent out in the March Newsletter. Mahalo for your participation in this democratic process. For more details please visit www.Orchidland.org : Ballots, Minutes, Monthly Financials and more.

Semi-Annual

Membership Meeting

November 24, 2018

Orchidland Community
lot/ Hui Hoaloha

2pm to 4pm

Potluck/ social event

12 noon to 2pm

Ongoing and regular maintenance of OLCA roads is our primary emphasis as elected BOD volunteers. In addition, separate donations from OLCA members go to the Community lot or gathering place – the Hui Hoaloha. Located near the intersection of Orchidland Drive and 36th Ave, this is the location for OLCA monthly social events, markets and more. Plus, in November and April, the Hui Hoaloha is the location of the OLCA Semi-Annual Membership Meetings and Potluck/ Social events.

Road Committee* and Board Meetings are open to membership and guests:

2nd and 3rd Tuesday of
the month at the
Neighborhood Place of
Puna, Keaau from 6:30
to 8:00 pm.

Announcement:

-- The next, first-Saturday, OLCA Farmers Market and Swap Meet is scheduled for November 3rd from 8am – 1pm.

-- The next Semi- Annual OLCA Membership meeting is scheduled for November 24th, 2pm to 4pm, with an OLCA Membership potluck/ social event scheduled from 12noon to 2pm.

For more information visit www.Orchidland.org or call 808-464-5598

INTEGRATED FINANCIAL REPORT

Total collected funds from July 1, 2018 to September 30, 2018 = Approximately \$299,013

Total expenditures from July 1, 2018 to September 30, 2018 = Approximately \$75,274

Roads = \$55,444
Insurance = \$8,869
Administration = \$10,961

OLCA Monthly Financials can be viewed online at www.Orchidland.org

Brief summary of 2018, in Hawai'i County, Puna District and Orchidland Community Association:

-- **In January**, the Hawai'i County Administration received up to a 34% salary increase, at a cost of 1.3 million dollars a year to the County taxpayers.

-- **In February**, State Bill 2570 was submitted by State Legislator Joy San Buenaventura, her bill FAILED, but it could have cost Puna Community residents and land owners thousands of dollars a year in higher property taxes.

-- **In March**, the Plaintiff Barbara Arthurs court motion to direct OLCA into receivership and under costly dictatorial property management – FAILED. Instead the attorneys agreed to release OLCA funds totaling over \$120,000, funds that the Plaintiff had forced frozen back in 2016. For reference, at the time of the March 1st Hearing, the Plaintiff and her gang were technically not even members of OLCA -- since they had NOT paid their OLCA MRMA's for fiscal year 2017-18 (reference OLCA Bylaws).

-- **In April**, the Court Order was issued by the Judge for the unfreezing of the OLCA funds (over \$120,000). On or about the same day, the Plaintiff Barbara Arthurs changed the OLCA corporate listing on DCCA/ BREG (the State

business site), naming herself as president and sent letters to the banks requesting the accounts remain frozen. This malicious action by the Plaintiff disrupted a Court Order and disrupted OLCA business (again).

-- **May through June**, the lava erupted in Lailani Estates, about 10 miles south of Orchidland Estates. Many fissures opened along the East Rift and the massive lava flow continued for months, many were displaced from their homes in the area. Some members of OLCA opened their doors and provided shelter for those displaced, others assisted with disaster relief efforts at various locations, primarily in Pahoia town. For more information regarding the lava flow, visit the homepage of the OLCA website: www.Orchidland.org

-- **In August**, OLCA suffered historic flooding and road damage during the Lane hurricane storm system. For reference, Orchidland Estates lies at the bottom section of a natural drainage from Volcano to the ocean. Emergency and follow-up road repairs were costly. Unfortunately, OLCA's emergency funds remained "frozen," the BOD was forced to allocate some of the 2018-19 fiscal year funds for emergency and follow-up road repairs.

OLCA OCTOBER 2018 NEWSLETTER, PAGE 3
PRESIDENT'S MESSAGE

“Green acres is the place to be, farm living is the life for me, the chores, fresh air”, Flooding, Lava gas AND GHOULISH LAWSUITS... Its Mongo wishing you a Scary Halloween wherever you are.

This Board just passed a three-year audit by a very reputable accounting firm. All funds, in and out, go through and are accounted for by a renowned Hilo firm on our behalf. Your assets are safe and properly utilized. For years after the frivolous lawsuit was initiated, and the PROBLEMATIC directors were removed, this Board has since operated legitimately with good character as per the member approved bylaws.

The primary financial directive of the Board, and the most critical, is to maintain and improve roads. The Board also manages the Hui Hoaloha (community property). Both are fully member owned.

THIS Board PERFORMS:

- All THE ROADWORK CONTRACTS, twice a year full rotation, signage, potholes, paving, sealing - ALL OF IT Recent historic storm flooding with an accumulation of over 40 inches will cost over 30% of our proposed annual road budget to repair washed-out roads just prior to our next full rotation of maintenance! We are on it, please be patient.
- Collects the Road Maintenance Fees current and behind (*We do not seek foreclosure, as it is against the law, but will work with those struggling. It is only fair that all members pay what is due.*)
- Hold regular consistent scheduled Road committee and Board meetings, got rid of Special Meetings that were used by prior Boards, not for emergencies, but to manipulate the directors votes and control members attendance. Many members remember those difficult times years past.
- Set-up and support farmers market for locals, our Hui Hoaloha, as we are agriculturally zoned and have a number of growers and marketers.
- Document and report Abandoned Vehicles and lots being trashed. (*Please check on you're a'ina and protect it from vandals*)
- Operate the original website: Orchidland.org (*On-line Full disclosure*)
- Pay all bills, roadwork, rentals, phone bills, insurance, accountant, et al. *We are doing all we can to resist the damage and aggravation of the frivolous lawsuit which corporations as vulnerable as ours must contend with; it will be seen for the absurdity it is.*

WE DO IT ALL, because we are the LEGITIMATE BOARD! Yea!

The dissident Arthurs Board, “created out of thin air”, CANNOT REPORT ANY legitimate Board road work!!! Their newsletter can only refer to outside, independent activities that are NOT part of the Association authority.

In the last year we have added about 50 new addresses in OL with about 10 percent more sales activity than the prior year. This week the Dept. of Transportation is holding public meetings concerning updates for the Keaau-Pahoa highway, where potentially intersections and driveways accessing the highway may be affected.

Aloha and see you at semi in November, Mongo Call me: 808-464-5598

OLCA ROAD MAINTENANCE REPORT

For some us on the OLCA Road Maintenance Committee (RMC) this marks our 4th consecutive year of volunteer community service. We are all Board of Directors (BOD) elected by the OLCA membership. The members of the RMC have construction and small business backgrounds. We know how to get the job done right for an affordable price and how to serve an entire Community with a limited annual budget. There are about 40 miles of private roads within Orchidland Estates: about 30 miles are unpaved, about 6.5 miles are asphalt pavement and 3.5 miles are chip-sealed roads. Unpaved roads are now serviced at least twice a year and paved and chip-sealed roads are serviced as needed. Road-sides and intersections are mowed on a regular basis and signage installed.

The recent Lane hurricane storm system brought historically heavy rains and flooding which caused extensive road damage in Orchidland Estates. One area in-particular, near 39th and 40th Ave. and Pohaku Drive, lies at the bottom of the main natural drainages from Volcano to the ocean. Some roads in this area were impassible after the storm – severely damaged and/ or washed out. Emergency road repair funds were approved by the OLCA RMC and BOD and emergency repairs were completed within days by Hokori Construction, OLCA’s contracted road crew. This road crew is now continuing with the first round of road maintenance, repairing and servicing all 30 miles of unpaved roads. Starting from top and the most badly damaged roads 41st and 40th Ave and working down to 34th Ave. A large amount of fill materials was washed away from the roadways. Emergency road repairs and extra

costs to replace fill materials lost in flooding will likely be close to \$50,000.

Summary of the 2018-19 Road Maintenance schedule:

1) A full rotation of unpaved road maintenance about 30 miles: including all through streets, plus cross streets and dead-end road where maintenance is needed. Service to include: mowing of road sides, grading, adding materials where needed, compaction and opening of natural drainages.

2) Road-edge maintenance on paved roads, removing over grown vegetation, creating roadside drainage plus the opening natural drainages where needed.

3) Preparation and the asphalt paving of the unpaved section of upper Pohaku Drive. In addition, asphalt repairs of two sections of damaged pavement, Laniuma near 38th Ave and Auli’i near 38th. Plus, preventative crack sealing of asphalt pavement on Main Access Roads (MARs) where needed.

4) In addition, regular and ongoing maintenance including road side mowing, pothole filling and sign installation and maintenance as scheduled.

Fortunately, most OLCA members are appreciative of the road maintenance and improvements in Orchidland Estates since July 2015. As the elected OLCA BOD and RMC, we serve as volunteers, which saves Orchidland Estates residents and property owners hundreds of thousands of dollars a year that could be wasted on an expensive property manager.

LEGAL UPDATE

Some of our members are confused by there being "two Boards". We need to make it clear that the "Arthurs Group" cannot be Board members as they gave up that right by not paying their FY 2017-18 MRMAs. Normally we are not allowed to publicly disclose members who have or have not paid their MRMAs, however the Arthurs Group have all publicly disclosed that fact themselves on numerous occasions so we are no longer under any obligation to keep that information privileged.

Please read your OLCA Bylaws, they are very clear. They are located online at www.Orchidland.org : *Article VII, Section 2, requires anyone desiring to be on the Board must be a member of OLCA. Article III, Section 1, states to be a member you must own a lot **AND** be current on your Mandatory Road Maintenance Assessment. So, according to your Bylaws, EACH AND EVERY ONE OF THE ARTHURS GROUP are disqualified from representing you as a Board member.*

Unfortunately, the Bylaws have not deterred this small group from continuing to claim to be the Board. As you are aware, they have even been sending out counterfeit "Newsletters" riddled with intentional misinformation. In order to keep our membership properly informed we are forced to correct the most important falsehoods the Arthurs Group has misrepresented.

The Arthurs Group has accused us of squandering OLCA assets by using "the statutes of limitation to no longer collect

MRMAs in arrears". The reality is that the "Statutes of Limitations" is the LAW! We cannot legally collect any debt in which no attempt had been made to collect it for a period of six or more years. Your all volunteer Board spent an extraordinary amount of time identifying each penny we cannot legally collect due to the failure of the **prior** Boards, bookkeepers, and CPA. This totaled a whopping \$600,000 in *your* assets which *were* squandered and sat on OLCA's books as bad debt.

To assure that future Boards are not allowed to be so fiscally irresponsible in the future, we updated the Policies and Procedures to protect your assets in legally allowable fashion. Your Board has only two options to collect past due MRMA, 1) put a lien on the property, or 2) send the debt to a collection agency. At no time have we instituted the threat of foreclosure as the Arthurs Group has accused us of.

As for the August 28, 2018 hearing, once again the Arthurs Group has spun the facts to misinform you. At no time did we try to "prevent the Plaintiff from seeing this Audit Report." We simply wanted Arthurs to agree that it would be released under a Protective Order to prevent her from publicizing half-truths, spin, and total misinformation. She would not agree to a Protective Order. We filed with the Court for the Protective Order and it was granted.

We sincerely hope this helps our membership better understand the current situation.

**ORCHIDLAND COMMUNITY ASSOCIATION
OCTOBER 2018 NEWSLETTER**

**OLCA Semi-Annual Membership Meeting
Saturday, November 24th
Hui Hoaloha (community gathering place)
Orchidland Drive and 36th Ave
2pm to 4pm**