

ORCHIDLAND  
COMMUNITY  
ASSOCIATION



KEA'AU,  
BIG ISLAND,  
HAWAII

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

Official Website: [www.Orchidland.org](http://www.Orchidland.org)  
Orchidlandcommunityassociation@gmail.com  
Phone: 808-464-5598

## Board of Directors

### President

Steve (Mongo) Lyon

### Vice President

Don Stoner\*

### Treasurer

Tegen Greene

### Secretary

Frederic (Ric) Wirick\*

### Directors:

Gerald Akana\*

Sky Platt\*

Doug Anderson

Paul Imaizumi

Chris-Coles Morales\*

Jeremai Cann

Steve Baca

(\*Road Committee)

### Community Lot and Social Committee:

Edie Valentine,

Sharon Walker,

Merlin Forman,

Caroline Dunlap,

Beth Wewers and

more.

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

2<sup>nd</sup> and 3<sup>rd</sup> Tuesday  
of the month at the  
Pahoa Community  
Center, 6:30 to 8:00  
pm.

## March 2017 Newsletter

### Aloha Orchidland Community Association Members and Mahalo for your continued support!

Since July 2016, a full OLCA Board of Directors, 11 total, have served and managed all aspects of our Orchidland Community Association. They primarily direct and oversee the management of over 40 miles of private roadways within Orchidland Estates.

The OLCA Board has also helped to establish a true social foundation within Orchidland Estates by supporting the Community Lot Committee and their monthly Harvest Sharing/ potluck social event held at the OLCA Community lot located near the intersection of Orchidland Drive and 36<sup>th</sup> Ave. This OLCA Social event is held the second Saturday of every month from 1 to 4 pm. This month's event on Saturday April 8<sup>th</sup> features the amazing sounds of the Hui Okinawa Kubudo Taiko Drummers from 2:30 pm to 3:30 pm. All Orchidland residents and guests are welcomed and encouraged to attend.

For the complete listing of OLCA Board of Directors (BOD) and Road Maintenance Committee (RMC) monthly reports and Minutes of meetings, plus the updated listing of Harvest Sharing/ potluck social events, and much, much more, please visit [www.Orchidland.org](http://www.Orchidland.org).

Please mark your calendar to attend the upcoming **OLCA Annual Membership Meeting** scheduled for Saturday April 29, 2017 at the OLCA Community Lot from 2pm to 4pm, with check-in beginning at 1:30pm. The Agenda will include: Annual Reports and updates, motions presented by the OLCA Board for Membership vote and approval including, the 2017-18 Fiscal Budget and Fee Schedule.

In addition, on Saturday April 29<sup>th</sup> an OLCA potluck social event is scheduled from 12 noon to 2pm -- so please come early, bring a dish to share with others, meet your elected Board members and Community members -- share in great food and conversation -- Aloha!

## 2017-18 list of Candidates for the OLCA Board of Directors

Traditionally, the list of candidates for the OLCA Board of Directors was sent in the June Newsletter of each year. Very few individuals were willing and able to step up and serve as OLCA Board of Directors, and that is why the election used to take place just before the end the fiscal year on June 30<sup>th</sup>.

This year is an exception to tradition since 6 candidates have already stepped up, and all 6 are currently serving interim positions on the Board, which means that their 1-year terms will end June 30, 2017. Please note, these candidates would have most likely been elected last June, but our 2016 Membership election ballot was disrupted.

**Steve (Mongo) Lyon**, current OLCA President is serving his second term as an interim Board member. He was first elected to the OLCA Board January 19, 2016. He writes:

I came on the Board because on the previous board, I observed a litany of transgressions, abuse of privilege and the exercise of contempt for Association members. The old board was eager to put through their agenda for receivership and personal gain. I was astonished at the 'theatre' they staged. The previous group put forth so much misinformation and went to such nefarious lengths to get their way. They misused Orchidland Association assets provided by our members!

Previously, I had served eight-years on the board of Cedar Hills Community Association in Beaverton, Oregon. I served on several juries in Portland, and once represented that Association in County Court. The case concerned a contest over actions taken by the Board in their endeavor to maintain established standards. Cedar Hills

Homeowners Association never lost a court case because by-laws, policies and judgements were historically consistent and well documented. Our legal representative had been with us over 50 years!

Self-dealing punctuated with irresponsible lawsuits marred Orchidland's past history. This self-dealing can and will be no longer tolerated. I am not a named litigant, as I came on well after the current lawsuit, but have great interest in the outcome. The welfare of membership is at stake. Justice for the community is needed and well deserved. My desire is to lend my experience so that meetings and the business of the association may be transacted in a climate of civility, openness and co-operation. Mahalo.

**Doug Anderson**, elected as interim director for OLCA Board in July 2016 and is a nine year resident of Orchidland Estates:

I joined the Board after having witnessed the drive and exhibited performance of the current Board members, and their mission to really serve the best interests of

everyone with limited funding. My background was with the USPS in Portland, Oregon managing the vehicle maintenance garage. I was also president of the aviation association. We ran summer camps for kids, scholarship and mentoring outreach, and community open house events. I also have heavy equipment experience. I am a happy member of this community with no agenda other than trying to do my part in helping this association to do the best it can for the residents here.

**Chris Coles-Morales**, elected as interim director on OLCA Board in July 2016:

I have served the community as an interim director, helping to solve the issues that have beset the community. I have also served on the Road Maintenance Committee, walking the roads to survey what needs to be fixed. I also have gone out and met people during these survey trips to find out what they want and also to invite them to meetings and social gatherings. I am currently the Public Relations officer, working to get the news out online on our Facebook, Twitter and other social media platforms. I also schedule and maintain the calendar postings in the local newspapers.

I bring to the table a long history of work experience in the construction and also in the landscape design business. I have extensive experience working alongside civic leaders to create safer neighborhoods through the National Neighborhoods Watch Program on the mainland in California. I have skills in arbitration, negotiating and

mediation. It is my goal to continue with the RMC, to bring the community lot buildings to fruition and to continue to serve you , the community in a fair, clear minded and objective manner.

**Jeremai Cann**, elected as interim OLCA Board of Director July 2016:

As Board liaison to the OLCA Social/Community lot committee, I help in organization, and have provided workshops at the monthly harvest sharing events. We erect the meeting tent, setup tables, chairs and take-down and return to storage. Helping to provide a meeting place once a month for learning, sharing and eating neighborhood grown foods is a special occasion! We invite one and all to come for a visit. To continue to help bring our local food growers and local community closer is a core desire for me. I encourage all of our growing community to support our food growing neighbors!

I am happy having served as an interim board member since July 2016. It feels good to be a part of a dedicated BOD that get projects completed. Our community is fully capable of being totally self-reliant, and we are getting closer to it every day. I am committed to serving our community. Mahalo for your continued support. Aloha.

**Steve Baca**, elected as interim OLCA Board of Director July 2016:

I have lived in Orchidland Estates since 1994 as a single lot owner and helped with road work. I work as an infrastructure technician at the summit of Mauna Kea dealing with

the main infrastructure and mechanical and operating equipment. I have worked construction as an ironworker in California and Hawaii. I have done carpentry, built houses, and done some remodeling. I worked as an auto mechanic for several decades. In our greater Community, I was in charge of construction for the St Joseph School Country Fair for 7 years. I was also a Cubmaster; currently, I am an Assistant Scoutmaster for 12 years with the Boy Scouts of America. It has been good working with this Board, and I plan to continue with your continued support.

**Paul Imaizumi**, elected as interim for OLCA Board of Directors July 2016:

Paul is a retired law enforcement officer, farmer and caregiver. He has served as an honorary Board member since his wife Faith was seriously injured in a boating/ canoeing accident in September 2016. His intention, if circumstances permit, is to return to the OLCA Board beginning July 2017.

**Orchidland Community Association  
2016-17 Annual Road Maintenance Report Including:  
Integrated Financial Reports, Projected 2017-18 Budget, Proposed 2017-18 MRMA, and  
More  
As of February 2017**

This has been an interesting and challenging fiscal year to say the least. Beginning January 2017, it was the intent of the Road Maintenance Committee (RMC) to begin the second rotation of road maintenance of over 30 miles of unpaved roadways from 34<sup>th</sup> Ave. up to 41<sup>st</sup> Ave., to include all other side roads. BUT, this extensive road maintenance project has been postponed due to the freezing of some Orchidland Community Association (OLCA), Inc. financial accounts.

The forced freeze of over \$120,000 of OLCA funds was instigated by the fraudulent actions of Orchidland Estates resident Barbara Arthurs in March 2016. This forced freeze of OLCA funds was completed without Court authority or directive. Mrs. Arthurs is also the sole Plaintiff in a frivolous lawsuit that was initially launched by Orchidland Voice on July 1, 2015. The lawsuit targets some OLCA Board members and threatens OLCA with dissolution and receivership.

FYI, \$120,000 is about half of OLCA's 2016-17 annual budget, and we are about half way through our fiscal year 2016-17. So the "freeze" has now disabled OLCA. All scheduled and approved road maintenance projects are on hold. Emergency measures are currently being taken by OLCA's corporate legal counsel in order to help liberate our OLCA funds as soon as possible.

**Road Maintenance projects completed from July 1, 2015 to present:**

- 3.6 miles of chip sealed roadways recoated.
- One quarter mile of the worst Main Access Roadway in Orchidland Estates asphalt paved.
- 2 complete rotations of road maintenance service on 30 miles of unpaved roadways.
- Stop signs installed at all crossroads intersecting with the 10 miles of Main Access Roadways.
- Road sides and intersections mowed for increased visibility.
- Potholes filled when needed.
- Road blockages due to fallen trees, abandoned vehicles, etc., cleared to allow traffic flow.

For a complete listing of all road maintenance projects from July 1, 2015 to present, go to [www.Orchidland.org](http://www.Orchidland.org) and click on **RMC Minutes**. Plus, to review last year's Annual reports click on **Newsletters, June 2016 Newsletter**.

**2016-17 Road Maintenance and Integrated Financial Report**

**Total collected funds from July 1, 2016 to January 31, 2017 = Approximately \$156,832**

**Approximate total expenditures and percentages:**

**Roads = \$70,185 / 45%**

**Insurance = 15,033 / 10%**

**Legal\* = \$39,674 / 25%**

**Administration = \$31,940 / 20%**

**\*Note: The majority of this money could have been spent on improvement of OLCA roads if it weren't for the frivolous lawsuit.**

**Orchidland Community Association Proposed Budget for 2017-18**

(This proposed budget is based on the previous 18 months, from July 1, 2016 to present)

| <u>Income</u>  | <u>Proposed</u>  |
|--|------------------|
| Mandatory Road Maintenance Assessment \$200 x 2390 lots @ 60%  | \$286,800        |
| Administrative Income  | \$ 10,500        |
| Community Lot Donations  | \$ 3,000         |
| <b>Income Totals</b>   | <b>\$300,300</b> |
| <br>   |                  |
| <u>Expenses</u>  | <u>Projected</u> |
| Road Expenses  | \$153,600        |
| Administrative Expenses (includes \$22,300 for all insurances) | \$ 72,000        |
| Paving Main Access Roadway Expenses*                           | \$ 71,700        |
| Community Lot Expenses   | \$ 3,000         |
| <b>Total Expenses</b>  | <b>\$300,300</b> |

**The following motion was approved by the OLCA Board of Directors and is included on the Membership Ballot included in this Newsletter:**

**Motion to increase the Mandatory Road Maintenance Assessment (MRMA) fee for the fiscal year 2017-18 to \$200, at least \$50 of which will go towards the asphalt paving of Main Access Roadways (MAR).**

**Seconded**

**Discussion:** The OLCA Bylaws, Article 4 – MRMA & Collection, third paragraph states: “Monies collected for MRMA’s shall only be used for road maintenance and road improvement projects...” Since asphalt paving is a road improvement project, it is now clear that it can be integrated into an MRMA increase. Also in accordance to the OLCA Bylaws, Article 4 – MRMA and Collection: “Change in the MRMA shall be recommended by the BOD and submitted for approval to the membership by a simple majority of votes cast”.

The list below is a comparison of the previous six years of MRMAs approved by Membership vote and also the proposed MRMA for 2017-18:

- 2012-13, \$150 MRMA (with at least \$65 towards chip seal recoating)
- 2013-14, \$150 MRMA (with at least \$65 towards chip seal recoating)
- 2014-15, proposed MRMA fee schedules failed, the \$85 fee (not mandatory).
- 2015-16, \$100 MRMA and \$100 Paving Assessment
- 2016-17, \$100 MRMA and a Paving fee (not mandatory) of \$100.
- 2017-18, proposed \$200 MRMA (with at least \$50 towards asphalt paving of Main Access Roads)

Estimated asphalt paving costs to include:

2” base course and 2” of hot asphalt pavement, 20’ width = \$400,000 per mile.

Cost per foot @ 20’ width = \$75 per foot

Main Access Roadways for asphalt paving consideration:

- Upper Pohaku Drive = approximately 650 feet for \$49,400.
- Laniuma Drive from 39<sup>th</sup> Ave to 40<sup>th</sup> Ave = approximately 1/3 of one mile, 1760 feet for \$133,760.
- Ilima Drive from 36<sup>th</sup> Ave to 37<sup>th</sup> Ave = approximately 1/3 of one mile, 1760 feet for \$133,760.

All three sections of Main Access Roadways are addressed in the 1998 Paving Plan, which was written as and is considered a “living document,” meaning it can be adjusted by the current RMC and BOD to address multitude of issues including but not limited to: ongoing maintenance costs, flooding issues, amount of vehicular traffic use and other general liability risks.

**This motion was passed by unanimous vote by the OLCA Board of Directors on March 21, 2017 at the monthly BOD meeting. Please show your support for this motion by marking YES X on your ballot. Mahalo**

## UPDATE ON NEW OLCA COLLECTIONS POLICY

From July 1, 2015 to present the current RMC and BOD has managed and overseen extensive road maintenance and road improvement projects throughout Orchidland Estates over 40 miles of roadways. These extensive road maintenance and improvements over the past 20 months have encouraged over 60% of OLCA membership to pay their Mandatory Road Maintenance Assessment (MRMA) fees. But there are still 40% of the OLCA membership that have chosen not to pay their annual MRMA fees.

In order to encourage participation by all OLCA members, the RMC and BOD has approved the following OLCA Collections Policy, which is scheduled to be enacted June 30, 2017. This policy has been approved in accordance to OLCA Bylaws and Hawaii State laws.

### **The new OLCA Collections Policy:**

- 1) There is a six-year Hawaii Statute of limitations on collectable fees. Beginning July 1, 2016 this State Statute will be used to calculate the amount of outstanding debt owed to Orchidland Community Association (OLCA) by property owners for unpaid OLCA road fees.
- 2) Mandatory collections will be calculated for only Mandatory Road Maintenance Assessment (MRMA) fees owed.
- 3) OLCA property owners owing unpaid road fees will be sent a delinquency notice and given 30 days to contact the OLCA bookkeeper to make arrangements for monthly payments. The full outstanding debt is to be paid to OLCA within one year or late fees will be charged.
- 4) A late fee of 12% per year will be charged at the end of each annual billing cycle and compounded annually.
- 5) At the end of year-one (1) the debt will be turned over to a collections agency.
- 6) All minimal interest charges (estimated at one-quarter of a percent) that were added to the overdue billing statements from 1992 to the present will be removed.

This new OLCA Collections Policy listed above will go to OLCA's Legal Corporate counsel for one final review, and it will be posted online at [www.Orchidland.org](http://www.Orchidland.org), and enacted June 30, 2017.

The primary purposes of this policy is to increase the total number of OLCA property owners paying their annual Mandatory Road Maintenance Assessment (MRMA) fees, and also to reduce the outstanding debt owed to OLCA by delinquent OLCA property owners.

The end result from these collections will benefit all the residents of Orchidland Estates: MRMA fees will primarily go towards more road maintenance and improvements, help to reduce road related liability risks, improve road safety, and help to reduce OLCA insurance premium costs.

The following list states the dates and the amounts of MRMA due over the last 6 years:

- 2012-13, \$150 MRMA
- 2013-14, \$150 MRMA
- 2014-15, proposed MRMA fee schedules failed.
- 2015-16, \$100 MRMA
- 2016-17, \$100 MRMA

**Total MRMAs owed per Orchidland Estates property over the past six years in accordance with the new OLCA Collections policy = \$500**

Please contact OLCA's bookkeeper Mr. Ken Ah Lo at **Data Processing Services, Inc. @ 808-935-7185** or email: [datapro001@yahoo.com](mailto:datapro001@yahoo.com) if you would like to pay off any outstanding debt owed before June 30, 2017 when the total debt will be charged 12% and then sent to a collections company.

## SOCIAL AND COMMUNITY LOT DEVELOPMENT COMMITTEE UPDATES

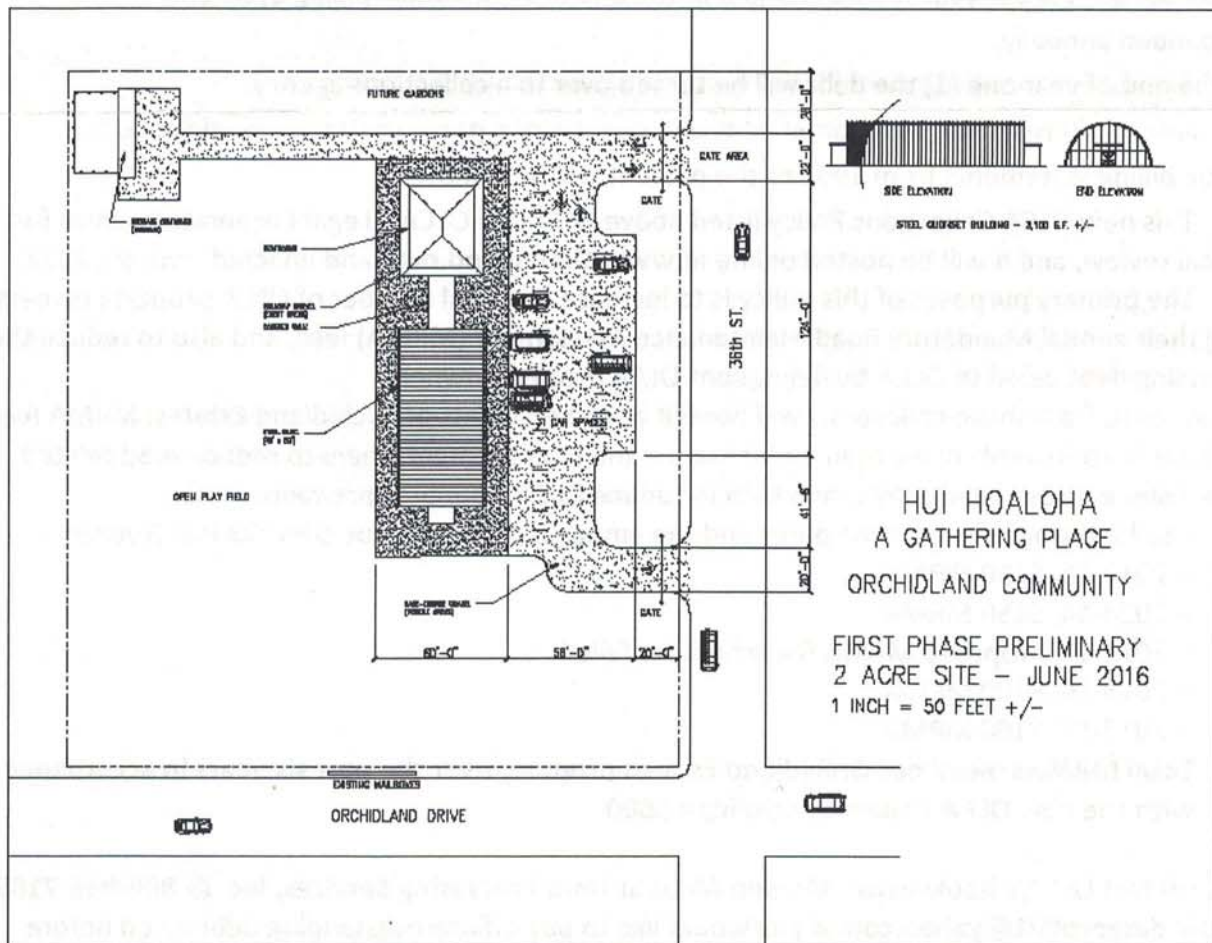
The summer of 2016 saw the formation of the OLCA community lot “social” committee. Our goal at that time was to put our newly cleaned up 2 acre lot to some good use. The second Saturday of August we held our first Harvest Sharing/ Hui Hoaloha event, encouraging our friends and neighbors to bring excess fruits, veggies and seedlings to share, as well as a potluck dish. Every second Saturday more of our neighbors have been involved, and we have added free educational workshops as well.

The spring of 2017 is going to be the most exciting yet. The plan is to combine the Community Supported Agriculture (CSA) program offered by the Food Basket with a local Orchardland farmers market, where the farmers amongst us can sell their homegrown produce, flowers, eggs, etc.

On Saturday, March 11<sup>th</sup> five donated fruit trees were planted and we were excited to begin filling our designated orchard area. The plan is to plant at least one or more fruit trees very month. Donations are encouraged and welcomed.

Our second annual free “pancake breakfast” is being planned for July and we will be accepting fruit and flower tree donations (bring a keiki tree to add to our orchard). The food was amazing last year – so don’t miss this upcoming annual event! Please visit [www.Orchidland.org](http://www.Orchidland.org) , click on the Facebook link for more information, or contact us at 808-464-5598.

### Proposed Hui Hoaloha site plan





## LEGAL UPDATE

Most OLCA Members are aware of the unfortunate lawsuit your Board of Directors are currently embroiled in. Please take time to read the following. We apologize in advance for the length; however, it should answer many of your questions. You can also find more information at [www.Orchidland.org](http://www.Orchidland.org) and see Legal Information.

Some current Board members are being sued with the stated outcome expected to be dissolution and receivership of Orchidland Community Association (OLCA). This is in direct opposition to the expressed stated desires of a majority of community members.

As we approach the two-year mark we have remained silent on the specifics of said lawsuit; however, we are now in the position to comment on some of the more salient facts of this lawsuit that our members have inquired about. To detail all that has occurred would require a novel. We will not engage in any sleight of hand to alter the facts; we will only present verifiable facts, which we are currently able to disclose and as the saying goes, truth is stranger than fiction.

This lawsuit was originally served on the Board at the Special Meeting on July 1, 2015. As our members know, on July 1 of every year we hold this Special Meeting to swear in our Board of Directors and elect Officers for their term, which begins on July 1. Initially, the Plaintiff in this lawsuit was "Orchidland Voice", listing Peter Houle and Robert Arthurs as co-chairs, and Barbara Arthurs and Vijay Karai as members. Of these four, Peter Houle, Barbara Arthurs, and Vijay Karai were all also newly elected OLCA Board Members. So, yes, all three ran for election to OLCA while at the same time NOT disclosing they were formulating a lawsuit against the Association and six other BOD, one of whom, Secretary Frederic Wirick, had only been a Board Member for mere moments!

July 21, 2015 at the regularly scheduled BOD meeting, the Board unanimously voted to establish the third Tuesday of every month for their monthly Board meetings. (Hang with us as this little tidbit will become relevant.)

Because Barbara Arthurs, Peter Houle, and Vijay Karai failed to tell voters their true intentions (to sue the Board and place Orchidland in receivership), their election to the Board was fraudulent. Due to this fraud, which the OLCA membership felt was perpetrated upon them, a Petition was filed to remove Peter Houle and Barbara Arthurs from the Board. The process was conducted in strict adherence to OLCA Bylaws and on November 1, 2015 the membership voted to remove both Directors.

President Ricky Turner, canceled the BOD meeting of December 16, 2015 because 4 directors were unable to attend for medical reasons which caused a lack of quorum. Although at this time Barbara Arthurs as a member of "Orchidland Voice" was suing President Ricky Turner, the two began to join forces. They decided to form their own rogue Board and hold "meetings" which were not on the 3<sup>rd</sup> Tuesday of the month. (We warned you that truth is stranger than fiction, but just wait it gets stranger still).

January 19, 2016 Board meeting, the third Tuesday of the month, Ricky Turner was removed from the Office of President by the OLCA Board in accordance with the Bylaws.

On January 23, 2016, Ricky Turner and Barbara Arthurs signed letters\* to our OLCA bookkeeper, and most importantly OLCA banks, in an attempt to overtake the corporation. These letters informed the recipients that Frederic Wirick, Tegen Greene, and Donald Stoner were no longer directors because they missed the following **Board**

## LEGAL UPDATE

**Meetings:** (Monday) December 21, 2015; and (Monday) January 4, 2016. These letters contended that Wirick, Greene, and Stoner were automatically removed “from the Board, per OLCA Bylaws Section 8 Article VII”. The problem for Barbara Arthurs and Ricky Turner is that this section of our Bylaws states, “A director who misses two (2) consecutive **board** meetings...” Now remember way back in July 2015 it was established by unanimous vote (including Barbara Arthurs and Ricky Turner) that the 3<sup>rd</sup> Tuesday of the month was established as the date for **board** meetings. They have since attempted to back peddle and are now holding “Barbara’s Board Meetings” on the 3<sup>rd</sup> Tuesday of the month. Additionally, as most of you have by now received Ms. Arthurs March 2017 “newsletter,” you may notice she has suddenly become evasive. She does not mention specific dates of these meetings and just states, “Back in late 2015 and early 2016, three members of the official BOD, Mr. Wirick, Mr. Stoner and Ms. Greene missed two consecutive meetings called by then President Mr. Turner”. Notice the conspicuous lack of the word “**board**”. Apparently, Barbara Arthurs believes that when the rules are inconvenient, she may just ignore them and make it up as she goes along. (Bear with us, as we do have more).

What should be most infuriating to OLCA Members is Barbara Arthurs and Ricky Turner attempted to gain control of OLCA bank accounts, by once again ignoring the inconvenient rules. As you can see they attempted to have 3 OLCA Officers removed as signatories and themselves (Ricky Turner as President and Barbara Arthurs as **Board Member**) inserted as the signatories to take control of YOUR funds of nearly half-a-million dollars. OLCA Bylaws Article VII, Section 9 clearly states, “disbursements will be by check requiring the signature of two of the following **officers:** the Treasurer, Secretary, Vice-President or the President.” No election was

ever held to make them officers. Additionally, they also took it upon themselves to create the new board positions of *Pro Tempore*. Well, we think the ostensibly highly educated Dr. Barbara Arthurs could clearly benefit from the use of a dictionary. Oh drat, Barbara, more inconvenient rules you have tried to skirt!

This attempt did not succeed. Barbara Arthurs has NOT gained control of your funds; however, she has unfortunately not been deterred. With a new imaginary board, she then attempted another coup on February 18, 2016 with more letters. These new letters now list 4 out of 6 six board members as new members, which you can view at [www.Orchidland.org](http://www.Orchidland.org). How, you may wonder, did you get 4 new board members, in a couple weeks time, without an election? It’s Barbara Arthurs, that’s how. She behaves as if rules don’t apply to her and just makes it up to suit her agenda.

As of February 4, 2016 the Court ruled that “Orchidland Voice” was a non-existent entity and therefore lacked the right to bring any legal action. Plaintiff’s attorney then told the court that he would refile the suit with a “qualified plaintiff”. This action began a new phase for Ms. Arthurs as she and Ariel Murphy would now file corporate changes with the DCCA.

For those who may not know, the Department of Commerce and Consumer Affairs (DCCA) is the Hawai`i State Business Registration site, which contains the listing of Directors and Officers of corporations in the State. Businesses such as banks and the USPS rely upon this information in deciding with whom they will conduct their business. Amazingly, the DCCA does not currently verify the accuracy of information filed with it.

## LEGAL UPDATE

So, on March 8, 2016 Barbara Arthurs made her first change to the DCCA. She named herself as OLCA Treasurer. This then began the round-robin game of Barbara Arthurs changing the DCCA filing, Secretary Wirick correcting the filing, and Barbara Arthurs changing it again. Then on March 16, 2016, Barbara Arthurs stepped forward claiming she now has authority to bring the lawsuit since she is an OLCA Officer. She also fraudulently gained control of OLCA PO Box based upon what she listed on the DCCA website. We told you truth was stranger than fiction, and it gets stranger still so sit down and get comfortable for more of the facts.

March 21, 2016, Secretary Wirick requested another correction to the DCCA and Barbara Arthurs sent a fax to DCCA to freeze the listing for OLCA. DCCA choose to freeze the listing on March 30, 2016. During this time period Barbara Arthurs caused all of the OLCA financial institutions to also freeze access to your funds. Eventually, in May 2016 we regained access to one of our accounts. Two accounts remain frozen that comprise approximately 50% of OLCA operating budget. This placed your association at grave risk.

Barbara Arthurs has accused your current board of holding secret board meetings in Hilo. We have not. We have, however, held privileged attorney-client meetings as is our right and duty to our members. She has accused your board of self-dealing because the "lakes" area on 40<sup>th</sup> which was greatly improved just happens to be in front of VP Stoner's property. She ignores the fact that this area would flood to a depth of 3 feet, making it the most dangerous section of OLCA roadway. She has accused your board of ignoring lot owners requests to see financial records. Also, not true. We have honored all properly addressed requests. She has accused your board of hiring unlicensed contractors; however, the Contractors Licensing Board

determined in 1998 that, "An association road crew may perform road maintenance... without a contractor's license."

Barbara Arthur's March 2017 "newsletter" acknowledges that according to OLCA bylaws if you want to be a member in good standing and in order to vote, you must pay your Mandatory Road Maintenance Assessment (MRMA). At the same time she also lists her Board as: Barbara Arthurs, President; Ariel Murphy, Vice-President; Sally Waitt, Secretary; Sharon Landry, Treasurer; David Marquis, Road Chair; Mark Willman, Director; and Armon Collman, Interim Director. However, Ariel Murphy, Sally Waitt, Sharon Landry, David Marquis, and Mark Willman have NOT paid their MRMA for 2016-2017. In her deposition Barbara Arthurs acknowledged, in typical Barbara spin, being aware that "some" of her board have not paid their MRMA. Additionally, Martha Morishige is apparently running for Barbara's board, but she has not paid her MRMA either.

ARTICLE VII — BOARD OF DIRECTORS  
Section 2. NUMBER AND QUALIFICATION OF DIRECTORS. The BOD shall consist of eleven (11) persons, all of whom must be **members in good standing of OLCA**

Per our Bylaws her so-called "board" cannot be seated, but pesky inconvenient rules don't apply to her.

OLCA bylaws ARTICLE XIV — DISPUTES states, "Any member of the Association must, before filing a legal action against OLCA, its Board of Directors or any individual director, officer or agent of the corporation, attend mediation with the Board of Directors and the agent, if any." Barbara Arthurs has stated under oath in her deposition that her husband set up a mediation session and the board refused to participate. This never happened! It is all just

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more of when the rules and facts don't work for you just make it up as you go along.

As we stated in the beginning, we would need a novel to detail all that has occurred with this lawsuit. Suffice to say that during depositions, we learned this lawsuit has currently cost Ms. Arthurs about \$140,000, and Barbara stated if given the opportunity to use the money to build a community center or file the lawsuit, she would choose to file the lawsuit! That's how Barbara rolls.

\* Letter referenced from January 23, 2016



### **Orchidland Community Association Incorporated**

Post Office Box 280, Keaau, Hawaii 96749-0280

(808) 934-7738

January 23, 2016

#### **HFS Federal Credit Union**

16-589 Old Volcano Road  
Kea'au, Hawaii 96749

Dear Sir/Madam:

Please be informed that in a Board meeting held today, January 23, 2016, the Board unanimously approved the change in bank signatories for all accounts of the Orchidland Community Association (OLCA) from Donald Stoner, Frederic Wirick and Tegen Greene to Ricky Turner, President and Barbara Arthurs, Board member.

Effective immediately please refrain from honoring checks issued by and/or any other financial transaction related to OLCA funds entered into by any or all of the following: Frederic Wirick, Donald Stoner and Tegen Greene, who have all been removed from the Board of the Orchidland Community Association.

For your information and appropriate action.

Mahalo and very truly yours,

**DR. BARBARA ARTHURS, Board Member**

**RICKY TURNER, President**

**THOMAS MCCANDLESS, Board Member**

**PETER HOULE, BOARD MEMBER**

**ELLEEN BRADLEY, Board Member  
ProTempore**

**RALPH BOYEA, Board Member  
ProTempore**

**OLCA Membership Election Ballot for 2017-18 Board of Directors**

All candidates listed below are currently serving as interim OLCA Board members until June 30, 2017. Once elected by OLCA Membership ballot vote, these Board member in July 2017 will begin serving up to 3-year terms. Mahalo for your continued support.

Please mark either YES or NO, on the ballot below.

Steve (Mongo) Lyon: YES\_\_\_ or NO\_\_\_  
Doug Anderson: YES\_\_\_ or NO\_\_\_  
Chris Coles-Morales YES\_\_\_ or NO\_\_\_  
Jeremai Cann YES\_\_\_ or NO\_\_\_  
Steve Baca YES\_\_\_ or NO\_\_\_  
Paul Imaizumi YES\_\_\_ or NO\_\_\_

**1) Motion to increase the Mandatory Road Maintenance Assessment (MRMA) fee for the fiscal year 2017-18 to \$200, at least \$50 of which will go towards the asphalt paving of Main Access Roadways (MAR).**

YES\_\_\_ or NO\_\_\_

**2) Motion to approve the 2017-18 Budget as distributed in this March 2017 Newsletter.**

YES\_\_\_ or NO\_\_\_

After completing this Ballot please return to:

**Data Processing Services, Inc.**

**99 Aupuni St., # 206**

**Hilo, Hawaii 96720**

Please return all ballots for official counting as soon as possible, ballots must be post marked by May 1, 2017. The results will be posted online at [www.Orchidland.org](http://www.Orchidland.org) by the end of May 2017, under the category titled **Ballots**.

Name: \_\_\_\_\_

Email address: \_\_\_\_\_

Tax Map Key(s) (TMK) : \_\_\_\_\_

Signature: \_\_\_\_\_

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

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**ORCHIDLAND COMMUNITY ASSOCIATION**  
**&**  
**MARCH 2017 NEWSLETTER**  
**OFFICIAL BALLOT ENCLOSED**