

## REQUEST FOR ACTION

<b>Subject</b>	Employ Private Investigator, Steve Goodenow of The Hawaii Investigative Group LLC				
<b>Preparer</b>	Al Guzman, in partnership with resident Steve Shaw	<b>AOUO Title</b>	GM		
<b>Date</b>	July 3, 2017	<b>For Board</b>	x	<b>Action</b>	<b>Info</b>

### EXECUTIVE SUMMARY

It is strongly suspected that some owners and residents are using their residential units at The Collection for Short Term Rentals and or Commercial Activity involving foot traffic in and out of their units. Such Activity is prohibited under The Collection's Governing Documents, specifically:

- A) Amended and Restated Declaration of Condominium Property Regime of The Collection Article 7.2, which states: "The Residential Units in the Tower may be used and occupied only for residential use by Owners and their families, tenants and guests, subject at all times to the applicable laws, ordinances, rules, regulations and restrictions of the State of Hawaii, the Hawaii Community Development Authority, the City & County of Honolulu, and the Master Community Charter. Leases of Residential Units for periods of less than thirty (30) consecutive days are prohibited. However, if in the future leases of Residential Units for a shorter period are permitted under the State and City and County laws, ordinances, and regulations applicable to the Project, the Board may waive this restriction to permit all Residential Units to be leased for periods no less that such legally-permitted shorter period. Residential Units may not be used for time share plans or programs or any similar arrangement by which use or occupancy of the Units is divided into defined time periods. Nothing contained herein shall be deemed to restrict the use of one or more Residential Units owned or leased by the Association from time to time for use as a Project resident manager's residence."
- B) The Collection Tower Phase Association Rules Section 2.4, which states: "Each Unit shall be used for residential purposes permitted under the Declaration, and subject to all of the use restrictions contained in the Declaration and Bylaws."

The purpose of this Request for Action is to insure those Owners and Residents involved in such activities are identified and properly advised to cease and desist their activities.

The operational plan to correct these activities is to search on line and identify short term rental ads that are strongly suspected of using The Collection. Steve Goodenow, of The Hawaii Investigative Group, LLC, will then be hired to confirm and report on the use of The Collection as a destination for short term rentals. Upon confirmation of such activity, The Association Rules, Section 1.3 states, "The

term "Resident" or " Residents" means any Owner of any Unit in the Project, members of the Owner's family and household who reside in the Owner's Unit, and, unless the context clearly indicates otherwise, the tenants (including a tenant's family and household members}." This will allow a claim by The Association to be made against the unit owner and resident concurrently.

### RECOMMENDATION

Recommend that the Board approve the use of Steve Goodenow, of The Hawaii Investigative Group LLC to:

**A)** Confirm and report on short term rentals and other commercial activity, that are in violation of The Collection's Governing Documents (Declaration, Bylaws and Association Rules) are being practiced at The Collection such that it can be proven in a court of law and

**B)** That any and all costs incurred by The Collection to prove short term rentals and/or commercial activity exists, shall be assessed back to the homeowner committing the violation per Association Rules Section 13.1, which states, "Every Resident shall be liable for and pay to the Association promptly on demand all costs and expenses including reasonable attorneys' fees incurred by or on behalf of the Association in enforcing any provisions of the Declaration, Bylaws, or these Association Rules against such person."

See Exhibit A for information and rates for The Hawaii Investigative Group LLC. See Exhibit B for Steve Goodenow Resume.

### RATIONALE

- A)** To insure homeowners and residents abide by The Collection's Governing Documents.
- B)** To dissuade other homeowners and residents from participating in illegal short term rentals.
- C)** To maintain the health and safety of homeowners and residents, as well as uphold the value of their investments.
- D)** If any cases end up in court, evidence must be collected legally. Private investigators know the law and how to collect evidence in a way that benefits rather than harms The Collection. Private investigators know the law and can save The Collection the trouble of someone calling the police and alleging stalking or harassment of the subject of our investigation. Private investigators can also testify for The Collection in court to not only how the evidence was collected but their findings and recommendations.

<b>Exhibits</b> (If applicable)	<b>Index</b>		<b>Title</b>								
	A		The Hawaii Investigative Group Rates								
	B		Resume Steve Goodenow								
<b>FOR BOARD USE ONLY</b>											
<b>CERTIFICATE OF BOARD ACTION</b>											
<input checked="" type="checkbox"/>	Approved	<input type="checkbox"/>	Declined	<input type="checkbox"/>	Noted	<input type="checkbox"/>	Returned	<input type="checkbox"/>	Deferred	<input type="checkbox"/>	Withdrawn
<b>Stipulations</b>											
Expense is not to exceed \$1500.00											
<b>Coordinating Instructions</b>											
GM Guzman to coordinate obtaining agreement from vendor and execution by Association and vendor.											
<b>Distribution Instructions</b>											
None.											
<b>Recording Secretary</b>		Howard Kam			<b>Action Date</b>		07/27/17	<b>RFA No.</b>		013-2017	

# Exhibit A

**From:** Steve Goodenow  
**To:** ["Al Guzman"](#)  
**Subject:** RE: The Collection Request for Services  
**Date:** Friday, June 30, 2017 5:26:59 PM  
**Attachments:** [GOODENOW RESUME - 2017.docx](#)

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Al: Mahalo for the email and meeting with me on Wednesday, June 28, 2017. I have reviewed the documents you sent (House Rules and By-Laws). The following are my thoughts:

The Collection is located at 600 Ala Moana Blvd., Honolulu, HI 96813. Management has become aware that there may be a business operating with the Collection that violates the By-Laws and House Rules. Management also believes there may be illegal rentals of units that do not comply with the By-Laws and House Rules and may violate C&C of Honolulu Ordinances regarding vacation rentals. I have been asked to present a proposal for investigation to determine if in fact these activities are present in The Collection.

The Hawaii Investigative Group, LLC and I (Steve Goodenow) are licensed, bonded and fully insured private detective agency as well license guard agency. We have conducted investigation for attorneys, their clients, businesses, insurance companies and private concerns for over 50 years in Hawaii. We have worked on a number of similar cases for other condominiums as discussed in our meeting. We charge \$125-95.00 per hour for our time and any out-of-pocket costs. We are willing to set up a budget once we fully understand the full nature of the investigation. I am sending you my resume for your consideration. Feel free to contact me at your convenience.

Aloha, Steve Goodenow

**Steve Goodenow, CLI, CFE**  
**The Hawaii Investigative Group, LLC.**  
**Honolulu Office (Primary): 625 Iolani Avenue, PH**  
**Honolulu, HI 96813**  
**Phone – 808 526-3245**  
**Cell – 808 225-3508**  
**Hilo Office: 688 Kinoole Street, Suite 108**  
**Hilo, HI 96720**  
**808 961-5155**  
**[www.goodenowpi.com](http://www.goodenowpi.com)**

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**From:** Al Guzman [mailto:gm@thecollectionhonolulu.com]  
**Sent:** Thursday, June 29, 2017 6:30 AM  
**To:** Steve Goodenow <steve@goodenowpi.com>  
**Cc:** Stephen Shaw <shawy001@gmail.com>  
**Subject:** The Collection Request for Services

Aloha Mr. Goodenow,

It was good speaking with you yesterday.

Attached are The Collection's Bylaws and Association Rules for the Tower. We have the Midrise section also but their Bylaws and Association Rules are similar. The attached will suffice for our purpose.

For Board presentation purposes, could you please forward a short write up of your company as well as your rates?

Thank you for your time.

Mahalo,

Al Guzman, General Manager  
The Collection  
600 Ala Moana Blvd.  
Honolulu, HI. 96813  
Phone: 808-548-4555



# Exhibit B

**Steve Goodenow, CLI, CFE**  
**625 Iolani Avenue, PH**  
**Honolulu, HI 96813**  
**Office 808 526-3245**  
**Cell 808 225-3508**

## **RESUME**

### **Employment**

1964-1967; Certified Public School Teacher, State of Washington; Mr. Goodenow taught secondary and adult basic education

1967 through 1971; Investigator with Barry Goodenow and Associates, Honolulu, Hawaii

1972 through 1992: Chairman of the Board and principal licensed investigator and guard of Goodenow Associates, Inc. (an investigation company) and Safeguard Services, Inc. (a security guard and consultation company). These companies have been actively involved in the investigative and security community in Hawaii for over 40 years. During Mr. Goodenow's stewardship, these firms employed over 400 employees both full and part time.

1992-2002 - Investigator and Security Consultant through Goodenow Associates, Inc. and Safeguard Services, Inc. Mr. Goodenow sold his interest Both firms to his employees and remained as a full time consultant until 2003.

1996 - 2005 – April 27, 2007: Drug Program Agent, National Football League

**1995 – Present: Vice-President, Treasurer - Total Travel, Inc.**

**2003- Present: Owner of Steve Goodenow, CLI, CFE, dba The Hawaii Investigative Group, LLC a full service Investigation and Security Consultation company**

### **Education:**

1964 B.A. Degree, Whitworth College, Spokane, WA  
Undergraduate and Postgraduate work, Whitworth College and UH

### **Professional Training:**

Various legal investigator seminars, sponsored by the National Association of Legal Investigators, World Association of Detectives and Association of Fraud Examiners from 1978 through present. Mr. Goodenow is a frequent speaker and lecturer at seminars.

### **Regulatory/Professional Groups:**

#### **Hawaii State Board of Private Detectives & Guards**

Chairman, Member and Vice-Chairman (1981-1991 - 1996 – 2004)

#### **National Association of Legal Investigators –**

Former NALI offices: **National Director; Assistant National**

**Director; National Secretary;** Director of Region VI; Chairman,

Continuing Education Committee; Chairman, Election

Committee; member & chairman, Constitution Revision Committee

Co-Chairman Disciplinary Committee

Former Member, **American Society for Industrial Security (Voluntarily resigned membership)**

Member, **World Association of Detectives**

Associate member, **California Association of Licensed Investigators**

Past President, **Hawaii Investigative-Security Society**

Charter Member, **Council of Police and Private Security**

(COPPS-This organization established by Honolulu Police Dept.)

Member, **Association of Certified Fraud Examiners**

Member, **Oahu 2001 Reapportionment Council**

### **Licenses and Certifications:**

State of Hawaii Private Detective License #120, obtained on

October 12, 1973 and Private Guard License #99, obtained on May 23, 1973

Designated as a **Certified Legal Investigator** by the National

Association of Legal Investigators on January 27, 1983 - Current

Designated as a **Certified Fraud Examiner** by the Association

of Certified Fraud Examiners on May 3, 1990 – Current

Principal licensee of The Hawaii Investigative Group, License #894

### **Work Experience:**

Mr. Goodenow has been actively involved in the investigative and security fields since 1967.

During Mr. Goodenow's career as a security consultant and investigator, he has conducted hundreds of investigations and consultations in the areas of tort liability, security negligence, fiduciary trust investigations, malpractice, business, fraud, computer fraud and construction matters. Mr. Goodenow investigated many of Hawaii's trend setting cases. Mr. Goodenow has been retained by Hawaii's major law firms to conduct legal investigations in all areas of civil and criminal practice. Mr. Goodenow has also been retained by both county and state governments to conduct investigations ranging from white-collar crime, trust negligence to misconduct by state and county employees. Many of these investigations have led to reorganizations of governmental operations and the inclusion of safeguards to better protect the public's interest.

As a licensed guard and security consultant, Mr. Goodenow has managed and operated both a security guard agency and consultation firm. He has been retained as a security expert on cases involving litigation and has directed security consultation projects for both business and industry. Mr. Goodenow's projects include security consultations and investigations for banks, utility companies, major marine shipping companies, insurance companies, condominiums, businesses, and shopping centers.

Mr. Goodenow has conducted investigations for clients throughout the world. Cases have been conducted in Asia, Australia, Canada, throughout the United States, Mexico, South America, the South Pacific, Micronesia, and Europe. Complicated financial investigations involving offshore banks and lending institution have also been conducted. Mr. Goodenow has worldwide affiliations and contacts.

Working primarily with attorneys and insurance companies, Mr. Goodenow has performed countless investigations involving claimants to include sub-rosa, backgrounds, witness interviews and documentation of injuries, mold spread and contamination, accident scenes, property damage and loss and criminal defense. Mr. Goodenow has conducted investigations in major complex injury cases involving asbestos cases, cigarette, mold and toxic tort litigation as well as "dram shop" cases.

The designations of CLI and CFE require continuing education and Mr. Goodenow is fully certified and compliant with the various continuing education requirements.

Testifying in district, circuit and federal court as well and various administrative hearings, Mr. Goodenow has broad experience seeing an assignment through to its ultimate conclusion. Mr. Goodenow has been retained as an expert witness in cases involving investigator performance security negligence, and documentation of property damage and mold issues.