

Background on the Spring 2006 anonymous "smear" Turtle Bay expansion controversy

Attachments:

- 1) Anonymous letter mailed to reporters (two pages)
- 2) Response by Shuyler "Lucky" Cole (one page)

An anonymous letter was mailed in late March or early April 2006 to a number of Hawaii reporters smearing prominent opponents of the resort expansion with allegations and innuendo.

The letter targeted the Cole family, including famous surfer and environmentalist Peter Cole and his brother, "Lucky" Cole, along with Carol Phillips and Mark Cunningham, who have actively opposed the expansion of the Turtle Bay Resort.

In a telephone interview, Peter Cole said the smear letter appeared similar to tactics used two decades ago when Obayashi Corporation was seeking to develop its proposed Lihi Lani project of luxury homes and associated amenities. Cole was a founder of the Save Sunset Beach Coalition that successfully blocked the project.

At the time, Obayashi pressed its case through a group of local lobbyists and representatives who channeled campaign cash to an array of elected officials, and Cole says they also resorted to similar personal attacks.

"They wanted to paint us as the rich haoles on the beach," said Cole, who chairs the Oahu Chapter of the Surfrider Foundation.

Cole's brother, Shuyler "Lucky" Cole, has issued a written statement responding to several of the specific smear

allegations, which suggested that he operates four illegal vacation rentals at Kawela Bay which would be hurt by competition from an expanded resort.

A copy of the anonymous letter appears on the next page, followed by Lucky Cole's response.

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There are some well-intentioned citizens of the North Shore who are genuinely concerned about the impending development of Turtle Bay Resort. Unfortunately there are people who have agendas that have been hidden from the public and the media. As a member of the community and the Media, please ask questions and find out the real story about these people and their organizations. The following people and groups have been very prominent in the print, media, on television and will be showing up at and commenting at any and all protests regarding Turtle Bay. **AS A MEMBER OF THE MEDIA & COMMUNITY, PLEASE** ask these alleged spokespersons some questions. They put themselves out there as public figures so they are welcoming the scrutiny.

Carol Phillips a 2 time Republican contestant for the 46th Representative District North Shore House seat is partnering with UNITE/HERE Local 5's Defend Oahu Coalition. Carol recently chaired two meetings by the D.O.C. in Sunset Beach and Kahuku. The Defend Oahu Coalition website is owned, maintained and operated by Local 5 UNITE/HERE. You can find out yourself by going to <http://www.networksolutions.com/whois/results.jsp?whoistoken=0> You will find a UNITE/HERE Local 5 website masquerading as an environmental organization. Why is Carol implicit in this? Politics, pure and simple. She lost the last two elections by a couple few hundred votes. She is working with Local 5 and Eric Gill because she has been promised the Local 5 vote. The REPUBLICAN candidate is currently working for Linda Lingle's Press office; How can a REPUBLICAN cozy up to the Union under the FALSE pretenses of being an environmental organization? Republicans should be incensed and people should be very wary of her motives.

The Cole Family likes to refer to themselves in environmentally friendly ways when they are talking to the media. Schuyler E "Lucky" Cole has been speaking at local meetings and to the media. The Honolulu Advertiser on 3-29-06 wrote *"Peter Cole, chairman of the O'ahu chapter of the Surfrider Foundation, said it is bad public policy to allow an agreement reached in 1986 to guide a major development now without having to create a new impact statement. "What should be done is to make the past zoning and associated unilateral agreement void along with the environmental impact statement, and require the developer to go through the entire planning, permitting and zoning process from scratch," he said. "For the City Council to allow this to happen would just be a travesty," Cole said."*

What the Cole family does not mention is that they are the principals of TEAM Real Estate a North Shore Real Estate company that specializes in VACATION RENTALS and owns vacation homes near Kawela Bay that have illegal multi dwelling cesspools that most likely leak into the ocean. You can check on multiple million dollar homes they own at

- 57-493 KAMEHAMEHA HWY
- 57-495 KAMEHAMEHA HWY
- 57-501 KAMEHAMEHA HWY
- 57-503 KAMEHAMEHA HWY

The public information is available at <http://www.honolulupropertytax.com> or the links below:

- <http://www.honolulupropertytax.com/Datalets.asp?mnu=PSearch&submnu=Profile&pin=570050060001&tp=3&cp=2>
- <http://www.honolulupropertytax.com/Datalets.asp?mnu=PSearch&submnu=Profile&pin=570050060002&tp=2&cp=1>
- <http://www.honolulupropertytax.com/Datalets.asp?mnu=PSearch&submnu=Profile&pin=570050070001&tp=3&cp=2>

- <http://www.honolulupropertytax.com/Datalets.asp?mnu=PSearch&submnu=Profile&pin=570050070002&tp=2&cp=1>

Here is the URL of the TEAM Real Estate vacation rental pages - <http://www.teamrealestate.com/prop/> There might be other homes the Coles own that they vacation rental, please, as a reporter check this out. Also, if you check the public records above, none of their Kawela vacation rental homes is registered as a commercial property even though it is listed on their website as a VACATION RENTAL. Are they legal? Could it be possible that if Turtle Bay continues to build quality hotels and condominiums that people will not rent the Cole family's less than luxurious vacation rentals that pollute the ocean? Perhaps Lucky and Peter should be identified themselves as Real Estate speculators?

Defend Oahu Coalition is a group that is controlled, owned, maintained by UNITE/HERE Local 5. What is unconscionable is that Local 5 has set up this group, recruited members is funding it and building the website without disclosing this fact. They are duping the public and the media into thinking this is a grass roots environmental organization, it is no such thing. Defend Oahu Coalition is a well funded and organized Union operation. A reporter should ask the members of Defend Oahu Coalition if they know that UNITE/HERE Local 5 owns it? Granted, there is a labor dispute at Turtle Bay, like all labor disputes, it is contentious and both sides are slinging accusations and lawsuits at one another. Local 5 has sued the City and County of Honolulu and Turtle Bay to stop the development. The Defend Oahu Coalition is like the "Boycott Turtle Bay" campaign that Local 5 has undertaken - a tactic of harassing and pressuring Turtle Bay. They formed Defend Oahu Coalition for the same purpose of harassing Turtle Bay, not to "Save the North Shore". There are prominent links between the websites of DefendOahuCoalition.org and turtlebayboycott.info. A reporter should connect the dots. You can find out yourself by going to <http://www.networksolutions.com/whois> and entering the URL DefendOahuCoalition.org in to the search box or directly by going to <http://www.networksolutions.com/whois/results.jsp?whoistoken=0> UNITE/HERE Local 5 are USING people to promote their own agenda without these local people's knowledge.

Mark Cunnigham, spokesperson for Defend Oahu Coalition always refers to himself as a "retired lifeguard". He does not mention that he is a resident of the gated Kawela Bay community. To get to Mark's home or any of the multi million-dollar homes in Kawela Bay you must enter a number into the key pad of the electronic gate at Kamehameha Hwy. The owner's association changes the number frequently so it is difficult to enter their part of Kawela Bay. There is NO public access to Kawela Bay through Mark and his neighbor's gated community. You are not allowed to bring your car in there to get to Kawela Bay, you are not allowed to walk in or ride in. The park Turtle Bay would dedicate is adjacent to the multi million-dollar homes at Kawela Bay. It would allow locals to have access to Kawela Bay. The truth is that the millionaires in Kawela Bay do not want to open up their private playground to the public. Ironically the only way to get to Kawela Bay right now is through Turtle Bay Resort property. A reporter should ask Mark Cunnigham where he lives and why his community does not allow Kawela Bay access through thier community? Several other Kawela Bay residents are attaching Turtle Bay as well. We can't blame them for wanting to keep the bay private, but, they should just say that instead of posturing otherwise. We challenge any reporter to just try and get into the gated portion of Kawela Bay to film or write.

Reporters & leaders, please do some digging and find the real motivation.

I will comment on the attacks on "The Cole Family" and Team Real Estate, Inc.

Peter and his wife, Sally, have no ownership interests in Team Real Estate, Inc. or any of our rental properties, including the four licensed vacation rentals at Kawela Kai referred to in this unsigned document. Peter has never been particularly interested in real estate; however he has spent a lot of time and energy supporting Surfrider and other environmental causes. Doug Cole, their son and my nephew, works as an asset manager for Team Real Estate, Inc. Doug is also the current President of the Sunset Beach Community Association; Peter and I were SBCA Presidents in prior years. We are proud of Doug's commitment to the community.

Both Peter and I unsuccessfully opposed the massive expansion of the Turtle Bay in the early 80s. I guess we were less of a threat then because I don't remember any smear efforts at that time. However, attacks were frequent during the period of our opposition to the Lihilani Project and our support of the Ke Ala Pupukea Bike Path in the early 90s.

Specifically, my wife, Marilyn, and I acquired two lots and developed the four homes at Kawela Kai in 1985. They were licensed as non conforming use transient vacation units in 1989; TVU # 002, 003, 004 and 005. They are legal and the only vacation rentals we own. There is no requirement to be on commercial property. We also are in compliance, grandfathered, relative to the EPA regulations regarding cesspools on residential lots. We do not have any reason to believe they "leak into the ocean". The author is incorrect in the assumption that the expansion will hurt our business and the value of these homes; on the contrary, our homes will be quite affordable alternatives to the multi million dollar condominiums now planned. We have been fortunate in our real estate investments which began in 1964. We do not speculate.

I retired from IBM in 1991; Marilyn and I acquired an existing property management company in 1993 to form Team Real Estate, Inc. Team Real Estate helps clients acquire, manage and sell real estate including long term rentals, licensed vacation rentals and short term furnished rentals. Other companies that "specialize in Vacation Rentals" on the internet are often not licensed as realtors or even registered to conduct business in Hawaii. Team is professionally managed and operated and is a member of the State Chamber of Commerce, the North Shore Chamber, the Hawaii Visitor and Convention Bureau and the Board of Realtors.

The Author erroneously blames Mark and the Kawela Bay Association for not providing access to Kawela Bay. Ironically, this was the responsibility of the Turtle Bay Resort and a major failure, in my opinion, to comply with the 1986 unilateral agreement.

Please email or call me at 638-7289 if you have any questions or comments.

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