

kimoto & Morris
Limited Liability Law Company

Richard S. Ekimoto
John A. Morris
Gordon M. Arakaki
Cherrylina C. Piedad
Of Counsel:
Arlette S. Harada

May 26, 2006

Dennis E. W. O'Connor, Esq.
Reinwald O'Connor & Playdon
Pacific Guardian Center, Makai Tower
733 Bishop Street, 24th Floor
Honolulu, HI 96813-4070

Re: Joanna Kim, et al. vs. AOA Executive Centre

Dear Mr. O'Connor:

We represent the Association of Apartment Owners of Executive Centre. The association asked us to respond to your letter dated May 15, 2006 to Certified Management, Inc.

Your letter suggests that the association has not been trying to resolve the problem. In fact, your client's failure to allow access to the apartment has prevented the association from taking action. After initially being cooperative and allowing the association into the apartment to test for mold and moisture, your client has since been very uncooperative. Perhaps you can explain to your client that association personnel and contractors cannot do anything without access to the apartment.

For your information, the problems associated with your client's apartment have not been reported in other units on the same floor. Instead, those problems seem to have resulted from your client's own actions. In particular, the association is concerned that the bamboo flooring your client recently installed has created or helped create the moisture problem in the apartment. Reportedly, the person who installed the flooring first laid down a cement layer to level the floor slab. He then installed the bamboo flooring over the cement layer without allowing it to fully dry, thereby trapping moisture under the bamboo flooring. That situation was exacerbated by the fact that the installation apparently occurred during the recent extremely wet weather.

The association is also concerned that your client failed to obtain the prior permission of the association before installing the bamboo flooring, as required under the association rules and policies. The problems created by the installation of the bamboo flooring may have been compounded by the fact that the person your client hired to do work was apparently not a licensed contractor.

Under those circumstances, the association will require your client to assume full responsibility for the bamboo flooring and any problems it has created. Part of that

Dennis E. W. O'Connor, Esq.
Reinwald O'Connor & Playdon
May 26, 2006
Page 2

responsibility will include removing the bamboo flooring if that becomes necessary to correct any moisture problems in the apartment. (11)

On a related issue, the association's consultant indicates that accumulation of dust in your client's apartment and her failure to regularly use the air-conditioning may have resulted in conditions that are conducive to the growth of mold. (12) Reportedly, the dust seen on many surfaces in the apartment traps moist air, and the failure to use the air-conditioning only compounds the problem by creating more moist air. (13)

The association is certainly willing to do what it must do to correct any problems resulting from matters within the control of the association. Nevertheless, the association cannot take any constructive action without the full cooperation of your client. Moreover, to the extent that any of the problems in your client's apartment result from your client's actions, the association will hold your client responsible for resolving those problems. (14)

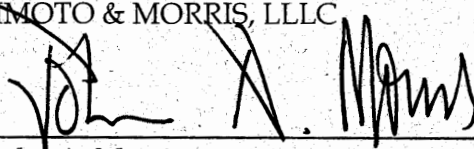
(15) ← Therefore, please confirm that your client is willing to cooperate with the association by giving association contractors and personnel access to the apartment to do the necessary testing and analysis. In addition, to the extent that the necessary testing and analysis require your client to remove any part of the bamboo flooring, the association will expect your client's full cooperation in doing so.

Finally, I understand that your client has contacted the association requesting copies of reports of the consultant the association hired to examine the apartment. In response to your request, I have enclosed a copy of the report. If your client wants a copy directly from the association, she must put her request for the report in writing to the association's managing agent.

Please contact me at 599-7226 if you have any questions. In addition, please let me know as soon as possible when the association can enter your client's apartment.

Yours very truly,

EKIMOTO & MORRIS, LLLC

By 
John A. Morris

JAM:alt
Enclosure as stated
Copy: Board of Directors, AOA Executive Centre
% Douglas C. Mattos, Account Executive



Date: May 17, 2006

To: Dale Anzai - Executive Centre

From: Jason Princenthal - AirCare

Re: Unit 202 mold and water intrusion observation report

I am writing you this report to provide you my observations and opinions with regards to the above subject matter.

As an overview, I was called in the first week of April by Dale Anzai of Executive Centre to discuss and possibly inspect the referenced unit above due to complaints and concerns over possible moisture intrusion and mold growth that has effected newly installed wood flooring. I was unable to inspect the unit as the owners were unavailable for entry, however photographs were available and the overall conditions of ~~the~~ (16) flooring did show mold growth that occurred underneath removed section of flooring. It is my understanding that homeowner removed the wood flooring. Another day was set up with the owners to gain entry, which was approximately 1 week later or on April 14, 2006

(17) At the time of my inspection, I did not see nor there was evidence of water stains or standing water on any of the interior surfaces. One of the homeowners was present and had mentioned that he did not see any water but concluded that water seepage was the cause. (18) Although there was no evidence presented that would have concluded this the fact that water could seep from outside lanai deck structural wall under the right conditions, however the extent of the damages especially the wood floors buckling suggests one of the two scenarios. (19)

Either a major flood inside the unit had occurred, or the wood floors which were recently installed had moisture trapped underneath which was caused by leveling compound used that did not cure or completely dry before flooring was installed. I believe the owner did say that the flooring were just installed and this was done during the time when weather was at high humidity and continual heavy rains

20

As far as the owners concern health risks due to elevated levels of mold, the only way to truly determine this would be to provide air sample series to measure levels for determining this. Since there is already visible mold present on wood flooring and owners are not staying there until this is resolved, it may make more sense to provide testing after flooring and any other damaged materials are removed to assure that there are no other sources.

21

22

There is likely much more mold growth under flooring especially with the amount of time that has past by, but as long as the floor remains intact, expose should be minimal. Proper precautions need to be implemented to safeguard the rest of the dwelling. Any visible mold growth that was present on furnishings was just due to the accumulation of dust and moisture in the space. especially since owners do not use the a/c system.

? no sense grammar!

23

These conditions found are no surprise, as mold growth will usually occur on any dirty surface exposed to high humid conditions and especially with the recent weather cycle. In fact, if the a/c system were used throughout this weather pattern, this phenomenon would likely not have happened because it would have reduced the homes humid condition. Also it would have helped in the drying of the floor compound prior to floor being installed.

24

25

In conclusion, it is my opinion that the flooring problem as well as mold growth is linked to the actual installation process and is likely not from moisture intrusion as owners suggested. In addition mold growth found on furnishing was due to high relative humidity and sustained wet weather.

26

27

Page 3

Once we met this Friday and discuss the extent of work you would like us to provide, I will expedite cost estimate to you at the beginning of the week

} -28

Please contact me should you have any other questions

Mahalo

Jason Princenthal
President