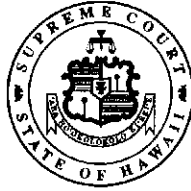


Office of Disciplinary Counsel  
201 Merchant Street, Suite 1600  
Honolulu, Hawai'i 96813  
Telephone (808) 521-4591  
www.dbhawaii.org



Chief Disciplinary Counsel  
Bradley R. Tamm  
Deputy Chief Disciplinary Counsel  
Rebecca M. Salwin  
Assistant Disciplinary Counsel  
Ryan S. Little  
Chloe M. R. Fasi  
Investigators  
Andrea R. Sink  
Joanna A. Sayavong  
Josiah K. Sewell  
Lisa K. Lemon

June 12, 2019

CONFIDENTIAL

William F. Sink  
735 Bishop St., Ste 400  
Honolulu, HI 96813

Re: ODC 18-0339  
James F. Evers, Complainant

Dear Mr. Sink:

I am in receipt of your response dated February 22, 2019. While the overview you provided was of some help, there are several elements to this matter that we wish to discuss with your client in more detail. I have included below a number of specific questions that require Mr. Kaiama's response in conjunction with our investigation.

Given the depth and detail of the underlying subject matter, I am open to obtaining Mr. Kaiama's answers via an in-person interview if he so chooses.

Therefore, I am requesting that as Mr. Kaiama's representative counsel, you **contact me by telephone by 4pm on Friday, June 21, 2019** to inform me whether Mr. Kaiama will answer our supplemental questions by either:

a.) scheduling an in-person interview of Mr. Kaiama at the Office of Disciplinary Counsel at a mutually convenient time (NOTE: interview questions may include but are not limited to the questions included in this letter),

**or**

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b.) by providing a detailed written response to the questions included below by Wednesday, July 10, 2019.

**Supplemental Questions for Respondent Dexter Kaiama**

For reference, at all times the terms "distressed property", "distressed property owner", and "distressed property consultant" refer to their definitions in HRS 480-E2 and 480-E2(d).

1. How many distressed property cases has Mr. Kaiama argued and/or made a special appearance in since 2014?
  - a. Of those distressed property cases, how many involved the use of the "Sovereignty Argument?" by Mr. Kaiama?
  - b. Of those cases where Mr. Kaiama employed the "Sovereignty Argument," how many times was the argument successful on behalf of the distressed property owner?
  - c. Did Mr. Kaiama inform clients/prospective clients of that success rate? If so, when and how?
  
2. When Mr. Kaiama made special appearances in distressed property cases, whether pro bono or for a special appearance fee, please explain the following:
  - a. How was Mr. Kaiama notified of the location and time of the hearing in which he was to appear?
  - b. How did Mr. Kaiama obtain relevant pleadings in the matters in which he was to appear?
  - c. How did Mr. Kaiama perform a conflict check prior to accepting representation/making the special appearance?
  - d. How was his fee, if any, determined? How was his fee, or decision to appear pro bono, conveyed to the client?
  - e. How did Mr. Kaiama identify, explain, and convey to his clients/prospective clients the scope of service/s to be provided?
  - f. How did Mr. Kaiama prepare for each special appearance in a distressed property case? How did he determine his strategy for each case?
  
3. Referring to Mr. Kaiama's distressed property cases, you stated to ODC that "in a few cases" clients gave Mr. Kaiama money for his appearance.
  - a. Which clients were represented pro bono?
  - b. Which clients paid for his services?
  - c. How much did each pay?
  - d. How did each pay?

- e. Please provide proof of payment (e.g. deposit slips, copies of checks (front and back), receipts, etc.) for each distressed property case in which payment was received
  - f. Did Mr. Kaiama ever refuse a referral/special appearance in a distressed property case? If yes, when and how often did this occur?
4. Please provide copies of the following for each distressed property owner Mr. Kaiama represented or made a special appearance for since January 2014:
- a. Signed contracts, legal agreements, retainer agreements, or any other document describing the attorney-client relationship and the service/s Mr. Kaiama was to provide in the distressed property case.
  - b. Mr. Kaiama's invoices to clients
  - c. Mr. Kaiama's client subsidiary ledgers for clients
5. What is Mr. Kaiama's relationship with Dr. Sai? With Ms. Dradi? When did Mr. Kaiama first meet them?
- a. How did Dr. Sai and Ms. Dradi refer distressed property cases/owners to Mr. Kaiama?
  - b. From 2014 to present, how often did Mr. Kaiama communicate with Dr. Sai about distressed property cases? With Ms. Dradi?
  - c. From 2014 to present, by which method/s does Mr. Kaiama communicate with Dr. Sai about distressed property cases? With Ms. Dradi?
6. From January 2014 through January 2018 the balance of Mr. Kaiama's Bank of Hawaii ("BOH") IOLTA remained static, less minor interest transactions, at \$22,909.65, with three exceptions.
- a. Does Mr. Kaiama have any other IOLTA or Client Trust Accounts? If so, please provide the financial institution/s and account number/s
  - b. Why were these funds (\$22,909.65) held in trust in Mr. Kaiama's BOH IOLTA?
  - c. To which client/s or individual/s do these funds belong? Please provide supporting documentation
  - d. During this period, for each distressed property owner from whom Mr. Kaiama received a fee for making a special appearance in a distressed property case, why did he fail to deposit said fees in his BOH IOLTA, pursuant to HRS 480E-13(4)?
  - e. On September 19, 2014, Check No. 106 was drawn on Mr. Kaiama's BOH IOLTA in the amount of \$12,000. Please provide an explanation and a copy of this check (front

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and back).

- f. On September 22, 2014, a deposit of \$18,000 was made to Mr. Kaiama's BOH IOLTA. What was the source of these funds? What was the purpose of the deposit? Please provide supporting documentation (i.e. deposit slip, check (front and back), etc.)
- g. On October 1, 2014, Check No. 107 was drawn on Mr. Kaiama's BOH IOLTA in the amount of \$6,000. Please provide an explanation and a copy of this check (front and back).

If you have other questions, please contact me **prior** to June 21, 2019, by telephone at 808-469-4040 or by email at [josiah.k.sewell@dbhawaii.org](mailto:josiah.k.sewell@dbhawaii.org)

While I am sensitive to the disruption these inquiries may cause, I must remind you that Hawai'i licensed attorneys are required to cooperate and participate in disciplinary investigations and proceedings pursuant to Hawai'i Rules of Professional Conduct Rules ("HRPC") 8.1(b) and 8.4(g).

Sincerely,



JOSIAH K. SEWELL  
INVESTIGATOR

JKS:uo