

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Kamehameha Ballrooms  
Kona Surf Resort and Country Club  
78-128 Ehukai Street  
Kailua-Kona, Hawaii

Approved  
3/18/93

February 24, 1993

COMMISSIONERS PRESENT: Allen Y. Kajioka, Chairman  
Delmond Won  
Elton Wada  
Eusebio Lapenia, Jr.  
Renton L.K. Nip  
Trudy K. Senda

COMMISSIONERS ABSENT: JoAnn Mattson  
Karen S. Ahn  
Allen K. Hoe

STAFF PRESENT: Esther Ueda, Executive Officer  
Russell A. Suzuki, Esq.,  
Deputy Attorney General  
Bert Saruwatari, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Brooke Anderson, Court Reporter

Chairman Kajioka called the meeting to order.

CONTINUED HEARING

A91-666 - KAHALA CAPITAL CORPORATION (Hawaii)

Chairman Kajioka announced that the present matter before the Commission is a continuation of the hearing which had begun on March 19, 1992.

Appearances

Roy Vitousek, III, Esq., Attorney for Petitioner  
  
Nani Rapoza, Esq., Attorney for Petitioner

Robert Van Dorpe, for Petitioner

Norbert Schlei, for Petitioner

Fred Gianini, Esq., Deputy Corporation Counsel, County  
of Hawaii

Norman Hayashi, Department of Planning, County of Hawaii

Ann Ogata-Deal, Esq., Deputy Attorney General, Office  
of State Planning

Karen Yamamoto, Land Use Division, Office of State  
Planning

Abe Mitsuda, Land Use Division, Office of State Planning

William Zimmerman, Esq., Attorney for Intervenors

Mahealani Pai, Intervenor (Portion of Proceeding)

At this time, Mr. Zimmerman requested that he be allowed to withdraw from representing Pai Ohana. Chairman Kajioka questioned Mr. Zimmerman as to whether Pai Ohana was withdrawing from the proceeding. Mr. Zimmerman was not sure whether Pai Ohana would be withdrawing from the proceeding.

Commissioner Senda moved for an executive session to consult with the Commission's attorney to discuss legal matters. The motion was seconded by Commissioner Won and unanimously approved by voice votes.

Mr. Zimmerman after contacting Mr. Pai requested a continuance of the proceeding because Mr. Pai could not be present at this time and clarified that Mr. Pai wanted to continue as a party.

Chairman Kajioka announced that the Commission would not be recognizing the withdrawal of Mr. Zimmerman from representing Pai Ohana, Pai Ohana is still a party to the proceeding, and noted that Pai Ohana is not present at this time. The motion for continuance by Mr. Zimmerman was denied.

EXHIBITS

1. Petitioner's Exhibit No. 124 through 126 were admitted into evidence by the Land Use Commission.
2. The letter dated February 24, 1993 from Karen Becker Foley was admitted into evidence by the Land Use Commission.
3. Signed petition read by Mr. Stephen Martin during his testimony filed February 24, 1993 was admitted into evidence by the Land Use Commission.

Mr. Cysewski, representative from Cyanotech Corporation, read into the record a statement from Kelly Moorehead, Intervenor, withdrawing as a party to the proceeding at this time because Cyanotech and Kahala Capital Corporation had reached an agreement. This agreement is marked as Petitioner's Exhibit No. 124. Chairman Kajioka accepted Cyanotech's withdrawal as a party to the proceeding.

PETITIONER'S WITNESSES

1. Robert Van Dorpe

A lunch recess was taken at 12:00 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

At this time, Mr. Mahealani Pai of Pai Ohana joined the proceeding. Mr. Pai performed a religious ceremony and thereafter made a statement to the Land Use Commission that he does not agree to the rezoning of the property, that this property is cultural land, and that the Hawaiians need a place of refuge. Mr. Pai also stated that he still wants to be a party to the proceedings, he had no objections to the Commission going on with the hearing today, and that Mr. Zimmerman is no longer his attorney. Chairman Kajioka accepted Mr. Pai's statements into the record.

PUBLIC WITNESSES

1. Stephen Martin

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2. Jerry Coiner
3. Rodney Felts
4. David Roy, Jr.
5. Pali Mench
6. Janice Palma
7. Michael Glass
8. Ralph Blancato
9. Karen Eoff
10. Carol Moran
11. Arthur Stockel
12. Roland Kleger

The meeting was adjourned at 5:30 p.m.