

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Boating and Ocean Recreation  
Honolulu, Hawaii

June 14, 2013

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, HI

ADMINISTRATIVE ENFORCEMENT ACTION FOR VIOLATION OF HAWAII  
ADMINISTRATIVE RULE, SECTION 13-231-26, USE OF A VESSEL AS A PLACE OF  
PRINCIPAL HABITATION, KEEHI SMALL BOAT HARBOR, TO THE FOLLOWING  
INDIVIDUALS: STEPHANIE APONTE, KENNETH LEVITT, RICHARD CZERCOWY,  
AND SANDRA BAUER

STATUTORY AUTHORITY:

Hawaii Revised Statutes (HRS) §§ 200-9 and 200-14.5

BACKGROUND and DISCUSSION:

HRS, Section 200-9(b), states, “(b) Vessels used for purposes of recreational boating activities that are also the principal habitation of the owners shall occupy no more than one hundred twenty-nine berths at Ala Wai boat harbor and thirty-five berths at Keehi boat harbor, which is equal to fifteen per cent of the respective total moorage space that was available as of July 1, 1976, at the Ala Wai and Keehi boat harbors.”

Hawaii Administrative Rules (HAR), §13-231-26(a)(1), states, “(a) A vessel owner who holds a valid regular mooring permit issued by the department authorizing the owner to moor the owner’s vessel in Ala Wai or Keehi boat harbor may use that vessel as a place of principal habitation if the owner has applied for and secured:

(1) A principal habitation permit;”

Over the years, staff has continued to receive complaints that individuals are using vessels as their place of principal habitation within the Ala Wai and Keehi small boat harbors without obtaining the proper permits and at times exceeding the allowable number set in the HRS.

Staff has made numerous attempts to address this issue that include verbally notifying the vessel owners of the statute and rules, writing letters, and conducting night inspections in order to verify the allegations. Due to the limited resources and staff time, this approach seems to be effective in the short term but over time the unwanted behavior returns and staff has to start the process all over again.

In order to address this issue on a more permanent basis, staff devised a plan to document whether a person was actually using a vessel as a place of principal habitation without a valid principal habitation permit. Since verbal warnings were having little to no effect with changing the behavior of people found to be residing on the vessel without a valid permit, it was decided that the matter would be brought before the Board for administrative enforcement action.

The plan involved Staff informing individuals suspected of using a vessel as a place of principal habitation without a valid permit that they were in violation of the HRS and HAR, letters were then sent certified mail to the individuals suspected of using a vessel as a place of principal habitation (Exhibit A), and finally, staff, along with the Division of Conservation and Resource Enforcement (DOCARE) Officers, conducted a site visit that confirmed certain individuals were in fact on the vessels without valid permits (Exhibit B, DOCARE & DOBOR Investigation Reports).

On April 12, 2013, the Board authorized the issuance of administrative fines to individuals that were found aboard their vessel without the proper stay aboard or principal habitation permits at the Ala Wai small boat harbor. The Board issued \$1,000.00 fines to the owners of the vessels that were found to be in violation of the HRS and HAR. We informed the Board that we would be bringing a similar request for an administrative enforcement action against individuals residing on their vessels in the Keehi small boat harbor without valid permits. We have finished our investigation and the findings are contained in Exhibit B.

HRS, 200-14.5, authorizes the Board to set, charge, and collect administrative fines and recover administrative costs. The citations are listed below for convenience.

**[§200-14.5] General administrative penalties.** (a) Except as otherwise provided by law, the board is authorized to set, charge, and collect administrative fines and to recover administrative fees and costs, including attorney's fees and costs, or bring legal action to recover administrative fines and fees and costs, including attorney's fees and costs, or payment for damages or for the cost to correct damages resulting from a violation of subtitle 8 of title 12 or any rule adopted thereunder. Each day or instance of violation shall constitute a separate offense.

(b) For violations involving pollution of the waters of the State, the administrative fine shall be as follows:

- (1) For a first violation or a violation beyond five years of a previous violation, a fine of not more than \$10,000;
- (2) For a second violation within five years of a previous violation, by a fine of not more than \$15,000; and
- (3) For a third or subsequent violation within five years of the last violation, by a fine of not more than \$25,000.

(c) For all other violations the administrative fine shall be as follows:

- (1) For a first violation or a violation beyond five years of a previous violation, a fine of not more than \$5,000;

- (2) For a second violation within five years of a previous violation, by a fine of not more than \$10,000; and
- (3) For a third or subsequent violation within five years of the last violation, by a fine of not more than \$15,000.
- (d) Any criminal action against a person for any violation of subtitle 8 of title 12 or any rule adopted thereunder shall not preclude the State from pursuing civil legal action to recover administrative fines, fees and costs, or damages against that person. Any civil legal action to recover administrative fines, fees and costs, or damages for any violation of subtitle 8 of title 12 or any rule adopted thereunder shall not preclude the State from pursuing any appropriate criminal action against that person. All fines, fees and costs, or damages recovered by the department under this section shall be deposited in the boating special fund. [L 1999, c 41, §1]

Staff believes that unless there are consequences for violating the HRS and HAR people do not have an incentive to abide by the rules or the direction of Harbor Staff. In order to send a strong message and curb this continued violation of the rules, the recommendation from staff is to issue a one thousand dollar fine (\$1,000.00) to the vessel owners named above.

RECOMMENDATIONS:

That the Board:

- 1. Find that an administrative infraction of HAR section 13-231-26 was committed and that the individuals listed above committed the infractions.
- 2. Issue a one thousand dollar fine to the owners of the vessel found aboard contrary to 13-231-26 and without a valid permit at the time of the incident.

Respectfully submitted,



Edward R. Underwood  
Administrator

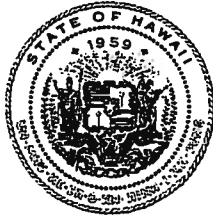
Attachments

APPROVED FOR SUBMITTAL



William J. Aila, Jr.  
Chairperson

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

EDWARD R. UNDERWOOD  
ADMINISTRATOR  
DIVISION OF BOATING AND OCEAN RECREATION

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**DIVISION OF BOATING AND OCEAN RECREATION**

KEEHI BOAT HARBOR  
4 SAND ISLAND ACCESS ROAD  
HONOLULU, HAWAII 96817  
PHONE: (808) 832-3464  
FAX: (808) 832-3419

BOR-OK 0111.13

February 13, 2013

Stephanie S. Aponte

[REDACTED]

Dear Ms. Aponte:

**SUBJECT: LIVING AND/OR STAYING ABOARD THE VESSEL, Reg. No. HA 8965 E  
WITHOUT PERMISSION OR AUTHORIZATION.**

It has been brought to our attention that there may be people living and/or staying board vessels at the Keehi Small Boat Harbor in violation of Sections 13-231-26 and/or 13-231-28, Hawaii Administrative Rules, and section 200-9, Hawaii Revised Statutes.

The Hawaii Administrative Rules limit the number of harbor resident permits issued at the Keehi Boat Harbor to 35. Currently there is no waiting list for harbor resident permits. Only the owner, co-owner, spouse of each, and their legal dependants may be issued a harbor resident permit. Any person who is living aboard a vessel without a harbor resident permit is in violation of Section 200-9, Hawaii Revised Statutes, and harbor rules and must immediately make other living arrangements. Anyone who desires to live on their vessel should submit an application to be a harbor resident. Until they receive a permit, they may not live aboard their vessel. If anyone else is living aboard the vessel, they must immediately move off the vessel.

Tenants who do have a harbor resident permit may "stay aboard" and "vacation" aboard their vessel. Hawaii Administrative Rules define "stay aboard" as three or less days per calendar week not to exceed 90 days per calendar year. "Vacation" is defined as 4 or more days per calendar week, not to exceed 30 days per calendar year. Notice must be given to the Keehi Boat Harbor office, in writing prior, to anyone "staying aboard" or "vacationing" aboard their vessel. Midnight through 6:00 a.m. are the violation hours which require a harbor resident permit, stay aboard notice, or a vacation notice. With a harbor resident permit, stay aboard permit or vacation permit, only the owner, co-owner, spouse of each, their legal dependants and their non-paying guests while in the company of the owner may be aboard during the violation hours.

**EXHIBIT A**


Ms. Stephanie S. Aponte  
February 13, 2013  
Page Two

BOR-OK 0111.13

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Anyone who is in violation of Section 200-9, HRS and the harbor administrative rules must immediately cease staying aboard or living aboard the vessel. I can be reached at the phone number and address listed above from 7:45 a.m. to 4:00 p.m., Monday through Friday. We are closed Saturdays, Sundays, and State holidays.

Very truly yours,

  
Debra Dudoit  
Keehi Harbormaster

Cc: Stephanie S. Aponte, [REDACTED]  
Stephanie S. Aponte, [REDACTED]  
Oahu District Manager

**SENT BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
BOATING AND OCEAN RECREATION DIVISION  
KEEHI BOAT HARBOR  
4 SAND ISLAND ACCESS ROAD  
HONOLULU, HAWAII 96819

BOR-OK 0111.13

Stephanie S. Aponte  
[REDACTED]

POSTAGE WILL BE PAID BY ADDRESSEE

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3-2

INTXFE 968 DE 1 00 03/12/13

RETURN RECEIPT  
REQUESTED

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 96819227499 \*2172-01779-07-32

96819227499

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
BOATING AND OCEAN RECREATION DIVISION  
KEEHI BOAT HARBOR  
4 SAND ISLAND ACCESS ROAD  
HONOLULU, HAWAII 96819

BOR-OK 0111.13

Stephanie S. Aponte  
[REDACTED]

POSTAGE WILL BE PAID BY ADDRESSEE



CNK

RETURN RECEIPT  
REQUESTED

96819227499

CERTIFIED MAIL™



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0004287176 FEB13 2013  
MAILED FROM ZIP CODE 96813

CERTIFIED MAIL™



7011 3500 0001 6119 0344



02 1M \$06.110  
0004287176 FEB13 2013  
MAILED FROM ZIP CODE 96813



NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



WILLIAM J. AJLA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
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PHONE: (808) 832-3464  
FAX: (808) 832-3419

BOR-OK 0111.13

February 13, 2013

Kenneth C. Levitt  
[REDACTED]  
[REDACTED]

Dear Mr. Levitt:

**SUBJECT: LIVING AND/OR STAYING ABOARD THE VESSEL, Reg. No. HA 9322 C  
WITHOUT PERMISSION OR AUTHORIZATION.**

It has been brought to our attention that there may be people living and/or staying aboard vessels at the Keehi Small Boat Harbor in violation of Sections 13-231-26 and/or 13-231-28, Hawaii Administrative Rules, and section 200-9, Hawaii Revised Statutes.

The Hawaii Administrative Rules limit the number of harbor resident permits issued at the Keehi Boat Harbor to 35. Currently there is no waiting list for harbor resident permits. Only the owner, co-owner, spouse of each, and their legal dependants may be issued a harbor resident permit. Any person who is living aboard a vessel without a harbor resident permit is in violation of Section 200-9, Hawaii Revised Statutes, and harbor rules and must immediately make other living arrangements. Anyone who desires to live on their vessel should submit an application to be a harbor resident. Until they receive a permit, they may not live aboard their vessel. If anyone else is living aboard the vessel, they must immediately move off the vessel.

Tenants who do have a harbor resident permit may "stay aboard" and "vacation" aboard their vessel. Hawaii Administrative Rules define "stay aboard" as three or less days per calendar week not to exceed 90 days per calendar year. "Vacation" is defined as 4 or more days per calendar week, not to exceed 30 days per calendar year. Notice must be given to the Keehi Boat Harbor office, in writing prior, to anyone "staying aboard" or "vacationing" aboard their vessel. Midnight through 6:00 a.m. are the violation hours which require a harbor resident permit, stay aboard notice, or a vacation notice. With a harbor resident permit, stay aboard permit or vacation permit, only the owner, co-owner, spouse of each, their legal dependents and their non-paying guests while in the company of the owner may be aboard during the violation hours.

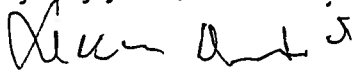
Mr. Kenneth C. Levitt  
February 13, 2013  
Page Two

BOR-OK 0111.13

Be advised that an effort is under way to identify and confirm who is unlawfully living or staying aboard vessels. This is due to the growing number of complaints of violations, and requests from tenants for us to take action. If someone is found to be unlawfully aboard a vessel, action will be taken. This action may consist of a citation, revocation of mooring privileges, non issuance of a mooring permit upon expiration of the existing mooring permit or other administrative remedies. The revocation or expiration of a mooring permit would then require the vessel to be immediately removed from the Keehi Small Boat Harbor or be subject to citations and/or impoundment.

Anyone who is in violation of Section 200-9, HRS and the harbor administrative rules must immediately cease staying aboard or living aboard the vessel. I can be reached at the phone number and address listed above from 7:45 a.m. to 4:00 p.m., Monday through Friday. We are closed Saturdays, Sundays, and State holidays.

Very truly yours,

  
Debra Dudoit  
Keehi Harbormaster

Cc: Kenneth C. Levitt,   
Oahu District Manager

**SENT BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED**



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kenneth C. Levitt

[Redacted Address]

BOR-OK 0111.13 Living/Stayboard

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

7011 3500 0001 6119 0450

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 Agent  
 Addressee

B. Received by (Printed Name)  
 K.C. Levitt

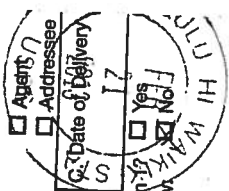
C. Date of Delivery  
 5 17

D. Is delivery address different from item 1?  
 If YES, enter delivery address below

Yes  
 No

3. Service Type  
 Certified Mail  
 Registered  
 Insured Mail  
 Express Mail  
 Return Receipt for Merchandise  
 C.O.D.

4. Restricted Delivery? (Extra Fee)  
 Yes



NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

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4 SAND ISLAND ACCESS ROAD  
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PHONE: (808) 832-3464  
FAX: (808) 832-3419

BOR-OK 0111.13

February 13, 2013

Richard J. Czercowy



Dear Mr. Czercowy:

**SUBJECT: LIVING AND/OR STAYING ABOARD THE VESSEL, Reg. No. HA 0883 C  
WITHOUT PERMISSION OR AUTHORIZATION.**

It has been brought to our attention that there may be people living and/or staying board vessels at the Keehi Small Boat Harbor in violation of Sections 13-231-26 and/or 13-231-28, Hawaii Administrative Rules, and section 200-9, Hawaii Revised Statutes.

The Hawaii Administrative Rules limit the number of harbor resident permits issued at the Keehi Boat Harbor to 35. Currently there is no waiting list for harbor resident permits. Only the owner, co-owner, spouse of each, and their legal dependants may be issued a harbor resident permit. Any person who is living aboard a vessel without a harbor resident permit is in violation of Section 200-9, Hawaii Revised Statutes, and harbor rules and must immediately make other living arrangements. Anyone who desires to live on their vessel should submit an application to be a harbor resident. Until they receive a permit, they may not live aboard their vessel. If anyone else is living aboard the vessel, they must immediately move off the vessel.

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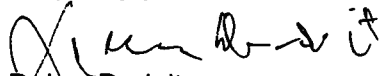
Mr. Richard J. Czercowy  
February 13, 2013  
Page Two

BOR-OK 0111.13

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Anyone who is in violation of Section 200-9, HRS and the harbor administrative rules must immediately cease staying aboard or living aboard the vessel. I can be reached at the phone number and address listed above from 7:45 a.m. to 4:00 p.m., Monday through Friday. We are closed Saturdays, Sundays, and State holidays.

Very truly yours,



Debra Dudoit  
Keehi Harbormaster

Cc: Oahu District Manager

**SENT BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard J. Czercowy  
[Redacted]  
[Redacted]

BOR-OK 0111.13 Living/Stayboard

2. Article Number  
(Transfer from service label)

70JJ 3500 000J 6JJ9 0429

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
RICHARD CZERCOWY 2-14

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRPERSON  
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PHONE: (808) 832-3464  
FAX: (808) 832-3419

BOR-OK 0111.13

February 13, 2013

Sandra K. Bauer  
[REDACTED]  
[REDACTED]

Dear Ms. Bauer:

**SUBJECT: LIVING AND/OR STAYING ABOARD THE VESSEL, U.S. COAST GUARD DOCUMENTED No. 534693 WITHOUT PERMISSION OR AUTHORIZATION.**

It has been brought to our attention that there may be people living and/or staying board vessels at the Keehi Small Boat Harbor in violation of Sections 13-231-26 and/or 13-231-28, Hawaii Administrative Rules, and section 200-9, Hawaii Revised Statutes.

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Feb. 27, 2013

I Sandra Bauer received a copy of this letter on this date

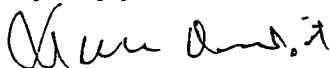
Ms. Sandra K. Bauer  
February 13, 2013  
Page Two

BOR-OK 0111.13

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Very truly yours,



Debra Dudoit  
Keehi Harbormaster

Cc: Sandra K. Bauer, [REDACTED]  
Oahu District Manager

**SENT BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
BOATING AND OCEAN RECREATION DIVISION

KEEHI BOAT HARBOR  
4 SAND ISLAND ACCESS ROAD  
HONOLULU, HAWAII 96819

BOR-OK 0111.13

**CERTIFIED MAIL™**



7011 3500 0001 6119 0412



UNITED STATES POSTAGE  
02 1M  
\$06.110  
0004287176 FEB 13 2013  
MAILED FROM ZIP CODE 96813

Sandra K. Bauer  
~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~

NOREC NLYIS 958 09 1 00 02/15/13

**RETURN RECEIPT  
REQUESTED**

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 96819277499 90472-00599-13-47



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sandra K. Bauer  
[REDACTED]  
[REDACTED]

BOR-OK 0111.13 Living/Stayaboard

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
**X**  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
if YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7011 3500 0001 6119 0412

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



STATE OF HAWAII  
DEPARTMENT OF LAND & NATURAL RESOURCES  
KEEHI SMALL BOAT HARBOR  
VOICE #(808) 832-3464 FAX #(808) 832-3419

\*\*\* MEMORANDUM \*\*\*

Date: 5/22/13  
To: BOR-O; Meghan Statts  
From: BOR-OK; Debbie *JS*  
Subject: Keehi midnight walk on 3/9/13

---

On March 9, 2013, at approximately 12:30 am, a midnight walk, was conducted at Keehi Small Boat Harbor for possible illegal stayaboard/liveaboard tenants. Five DOCARE officers were present along with myself. We started on the 400 pier and ended on the 800 pier.

The following is a brief statement of what occurred:

Slip 435: owner – Aponte, Stephanie

Upon arriving at the vessel, HA 8965 E, we knocked on the vessel and announced ourselves. Owner, Stephanie Aponte, stated that she just flew in from Maui, arrived in Honolulu late, and didn't want to drive all the way home. I explained the rules and the options she has. If she had any other questions, to contact our office.

Slip 619: owner – Levitt, Kenneth

Upon arriving at the vessel, HA 9322 C, we knocked on the vessel and announced ourselves. Owner, Kenneth Levitt, stated that he just got off late from work. I explained the rules and the options he has. If he had any other questions, to contact our office.

**EXHIBIT B**

Slip 822: owner – Czercowy, Richard

Upon arriving at the vessel, HA 0883 C, we knocked on the vessel and announced ourselves. Owner, Richard Czercowy, he told us he was drinking earlier in the day, later started feeling sick, then fell asleep on the boat. I explained the rules and the options he has. If he had any other questions, to contact our office.

Slip 924: owner – Bauer, Sandra

Upon arriving at the vessel, "SHIBUI", we knocked on the vessel and announced ourselves. Owner, Sandra Bauer, stated that she was not feeling well. She told me she normally stays on Alex's boat. She said she didn't know she couldn't stay on her boat. I explained the rules and the options she has. If she had any other questions, to contact our office.

**STATE OF HAWAII  
INVESTIGATION REPORT**

Dept. DLNR  
Div. DOCARE

|  |        |  |                                       |
|--|--------|--|---------------------------------------|
| CLASSIFICATION<br><b>Keehi SBH STAYING ABOARD VESSEL PERMIT VIOLATIONS</b>                         |        | 3. ISLAND<br>Oahu                                    | 1. REPORT NUMBER<br>#13-1135-OA       |
| 5. COMPLAINANT (Firm Name, if Business)<br>C.MOON  |        | 6. SEX<br>M  | 2. INVESTIGATOR<br>C. MOON            |
| 9. ADDRESS<br>1151 Punchbowl St. Rm 311  |        | 7. D.O.B.  | 4. DISTRICT<br>D-1                    |
| 10. SCHOOL EMPLOYED/SCHOOL ATTENDING   |        | 8. OCCUPATION<br>DLNR/DOCARE                         |                                       |
| 11. LOCATION OF OFFENSE AND CLOSEST INTERSECTING STREET<br>State of Hawaii Keehi Small Boat Harbor |        | 12. DATE/TIME/DAY OCCURRED<br>03-09-13/0000/saturday | 13. DATE/TIME REPORTED<br>SAME AS #12 |
| 14. DESCRIBE LOCATION OF OFFENSE OR TYPE OF PREMISES<br>Keehi sbh docks                            |        | 15. HOW REPORTED<br>On beat                          |                                       |
| 16. VEHICLE INVOLVED   | Year   | Make   | Model                                 |
| 17. BOAT INVOLVED  | Length | Make   | Model                                 |
| 18. REGISTERED OWNER   |        | Address  |                                       |
| CODE: W = Witness  |        | S = Suspect (Fill in Composite Description)          |                                       |
| 19. NAME   |        | Address  |                                       |
| 20. SEX Composite Description  |        | I.D. Characteristics                                 |                                       |

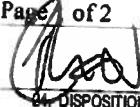

21. INVESTIGATION: 1. Insert a synopsis of the crime of incident. 2. Summarize details of the crime or incident. 3. Denote persons from whom statements taken and who took them. 4. Identify additional suspects and witnesses. 5. Identify additional investigators. 6. Use opposite side for continuation of report, if necessary.

**SYNOPSIS:** On the above time, date, and place Harbormaster Debbie DUDOIT and I inspected the Ala Wai Small Boat Harbor docks for possible live aboard permit violations. Harbormaster DUDOIT and I observed some vessels in compliance and some vessels in violation of Hawaii Administrative Rule 13-231-8 (a) Staying aboard vessels moored at Ala Wai or Keehi small boat harbor.

**OBSERVATION #1:**  
On Friday January 25, 2013, at approximately 0030hrs, Harbormaster DUDOIT and I made a physical check on vesse HA-8078 B located in slip # 712. Nobody was aboard this vessel at this time. No violation.

Please continue on next page...

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|   |                                   |  |   |  |
|---|-----------------------------------|--|---|--|
|  | Badge No.<br>140                  | Date/Time<br>03-10-13/1500                       | 23. SUPERVISOR APPROVING<br> | Badge No.                                |
| <input type="checkbox"/> Unfounded  | <input type="checkbox"/> Adult    | <input checked="" type="checkbox"/> Citation/No. | <input type="checkbox"/> Arrested/Prosecuted  | <input type="checkbox"/> Other/No Arrest |
| 24. DISPOSITION<br><input type="checkbox"/> Arrested/No Prosecution                 | <input type="checkbox"/> Juvenile | 25. Date/Time Reproduced                         | 26. Distribution  | 27. Connecting Report No.                |

#13-1135-OA  
STAYING ABOARD VESSEL PERMIT VIOLATION  
CONTINUATION PAGE 2 of 2

**OBSERVATION #2:**

On Saturday, March 09, 2013, at approximately 0040hrs, Harbormaster DUDOIT and I made a physical check on vessel HA 0883 C located in slip # 822. At this time, while knocking on the side of the vessel, Harbormaster DUDOIT and I heard and observed a person below the deck and in the living quarters of the vessel. The person later identified Richard CZERCOWY. At this time, Harbormaster DUDOIT told CZERCOWY that he was not allowed to stay on the vessel without first filling out the proper documentation and that he was in violation of the "staying aboard vessel" rules HAR 13-231-28 (a).

**OBSERVATION #2 CONT:**

**VESSEL:**  
HA-0883 C

**CZERCOWY, Richard IDENTIFIED:**

CZERCOWY, Richard  
Hgt: 5'5" wgt: 140lbs  
SSN: [REDACTED]

**OBSERVATION #3:**

On Saturday, March 9, 2013, at approximately 0050hrs, Harbormaster DUDOIT and I made a physical check on vessel SHIBUI Doc#534693 located in slip #924. At this time, while knocking on the side of the vessel, Harbormaster DUDOIT and I heard and observed a person below the deck and in the living quarters of the vessel. The person later identified as Sandra BAUER. At this time, Harbormaster DUDOIT told KELLEY that he was not allowed to stay on the vessel without first filling out the proper documentation and that she was in violation of the "staying aboard vessel" rules HAR 13-231-28 (a).

**VESSEL:**  
SHIBUI Doc#534693

**Sandra BAUER IDENTIFIED:**


BAUER, Sandra  
Hgt: 5'04" wgt: 117lbs  
Dob: [REDACTED] DL#: [REDACTED]

**OBSERVATION #4:**

On Saturday, March 9, 2013, at approximately 0100hrs, Harbormaster DUDOIT and I made a physical check on vessel HA 9495 D located in slip # 931. Nobody was aboard at this time. No violation.

**DISPOSITION:**

The disposition of this investigation is pending on the DLNR Boards decision



Officer Christopher Moon #244  
Badge: 140  
03-10-13/1500hrs