Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: APPOINTMENT AND SELECTION OF A HEARING OFFICER TO CONDUCT HEARINGS FOR A CONTESTED CASE HEARING REGARDING ADMINISTRATIVE AND CIVIL PENALTIES PURSUANT TO CHAPTER 195, HAWAII REVISED STATUTES, TO AHIU HAWAII LLC FOR VIOLATIONS OF CHAPTER 13-209, HAWAII ADMINISTRATIVE RULES, AT KAHUALEA NATURAL AREA RESERVE, PUNA, HAWAII, TMK (3) 3-1-001:001

On June 26, 2015, the Board approved staff’s recommendation to issue administrative and civil penalties to Ahiu Hawaii LLC, based on evidence that the tour company has been operating unpermitted commercial tours in the closed Kahaulea Natural Area Reserve. After the Board’s action, Mr. Orion-Independence Enocencio, manager of Ahiu Hawaii LLC, verbally requested a contested case hearing. Mr. Enocencio provided a written request on July 5, 2015 (Attachment 1).

Ahiu Hawaii LLC is entitled to a contested case hearing regarding the Board’s decision.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board does not constitute a use of State lands or funds, and therefore, Chapter 343, HRS, relating to environmental impact statements, is not applicable.

RECOMMENDATION: That the Board:

1) Determine that Ahiu Hawaii LLC has standing and is entitled to a contested case, and
2) Authorize the appointment of a Hearing Officer to conduct all the hearings relevant to the subject petition for a Contested Case Hearing, and
3) Delegate the authority for selection of the Hearing Officer to the Chairperson.

ITEM C-1
Respectfully submitted,

[Signature]
SCOTT FRETZ, Acting Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:

[Signature]
SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources
INSTRUCTIONS:

1. File (deliver, mail or fax) this form within ten (10) days of the Board Action Date to:
   Department of Land and Natural Resources
   Administrative Proceedings Office
   1151 Punchbowl Street, Room 130
   Honolulu, Hawaii 96813
   Phone: (808) 587-1496, Fax: (808) 587-0390

2. DLNR's contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (http://hawaii.gov/dlnr/rules/Ch13-1-Official-Rules.pdf). Please review these rules before filing a petition.

3. If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.

4. Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a $100.00 non-refundable filing fee (payable to "DLNR") or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner's financial hardship.

5. All materials, including this form, shall be submitted in three (3) photocopies.

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17. Board Action Being Contested
   Contesting the Board's approval for fining 'Ahii Hawaii
   fees, administrative costs, and officers incorrect & falsified report.

18. Board Action Date
   JUNE 20, 2015 (Friday)

19. Item No.
   C-1

20. Nature and Extent of Petitioner's Interest That May Be Affected by the Board Action
   'Ahii Hawaii feels that the company should not be required
to pay the fees & administrative costs.

21. Any Disagreement Petitioner May Have with an Application before the Board

22. Any Relief Petitioner Seeks or Deems Itself Entitled to
   As a local & Native Hawaiian owned company in Hawaii,
   being illegally overcharged as Native Hawaiians have
   the right to freely go to any public property.

23. How Petitioner's Participation in the Proceeding Would Serve the Public Interest

24. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets
   the Criteria to Be a Party under Section 13-1-31, HAR
   - 'Ahii Hawaii was unaware of situation
   - No notification from DNV2 - Teakapa
   - No time to properly prepare
   - Officers incorrect & falsified report
   - Continued harassment towards
   - No support, help, or response

☐ Check this box if Petitioner is submitting supporting documents with this form.
☐ Check this box if Petitioner will submit additional supporting documents after filing this form.

Petitioner or Representative (Print Name)  Signature  Date

FORM APO-11