



New Public Testimony

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Representing

Self

Agenda Item

Info Breifing: Supreme Court Opinion

Position

Support

Testimony

Aloha Chair and Members of the Commission,

My name is Skylar Geasey, and I am a law student currently taking Administrative Law at the William S. Richardson School of Law. Mahalo for the opportunity to submit testimony as the Commission meets to consider the Supreme Court's opinion in Honoipu Hideaway, LLC v. State of Hawai'i Land Use Commission.

This case offers an important reaffirmation of administrative law principles under both the federal Administrative Procedure Act (APA) and the Hawai'i Administrative Procedure Act (HAPA), particularly concerning standards of proof, agency rule making authority, and the scope of judicial review. I realize that this is why the Commission is meeting to discuss the Honoipu Hideaway opinion, and look forward to hearing the Commission's insight in response.

First, it seems to me, the Court reaffirmed that when agencies act in an adjudicative capacity – such as resolving a petition for declaratory order – they must adhere to standards ensuring reasoned and reviewable decision-making. According to HRS § 91-14(g) (Supp. 2016), courts generally review agency findings to ensure they are not “clearly erroneous” and that agency decisions are not “arbitrary, capricious, or characterized by abuse of discretion”. The statutory framework of the statute essentially reflects the federal APA's core intent: that agency action be based on substantial evidence and conducted through lawful procedure.

Second, the Court's decision clarified that petitions for declaratory orders, including those requesting district boundary interpretations under HAR § 15-15-22, are subject to a "preponderance of the evidence" burden of proof unless the Commission adopts a different standard through formal rule making. Thus, the opinion emphasizes that, in the absence of explicit rules requiring a higher evidentiary threshold, agencies should apply the lowest civil standard to ensure consistency, fairness, and reviewability. Applying an undefined or heightened standard of proof, as the Court found occurred here, risks exceeding the scope of the Commission's delegated authority and undermines the procedural safeguards envisioned by the legislature. Notably, as mentioned by the Honoipuu Hideaway Court, this aligns with administrative law norms nationwide – where preponderance serves as the baseline burden of proof for agency proceedings unless a higher standard is explicitly authorized by statute or rule.

Procedural regularity is central to maintaining public trust in administrative decision-making. Applying a heightened or undefined burden of proof without rulemaking exceeds the agency's delegated authority under HRS §§ 91-1 et seq., and the Commission's own rules (HAR §§ 15-15-1, et seq.), which require that procedural standards be established through rule making, not ad hoc decision-making. By vacating and remanding the case for new findings under the preponderance standard, the Court reaffirmed that agencies must not only reach substantively sound outcomes but also follow the proper legal processes when exercising their quasi-judicial powers.

As the Commission convenes to consult counsel on this matter, I respectfully urge continued acknowledgment of and adherence to the guiding principles of administrative law outlined above: consistency in applying adopted rules, transparency in evidentiary standards, and fidelity to rule making procedures as required by law. The legitimacy of agency action depends not only on its substantive outcomes, but on its obedience to fair process as envisioned by both the APA and HAPA.

Mahalo for your time and for your continued service to the people of Hawai'i.

Respectfully submitted,
Skylar Geasey