

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

Proceedings held on April 20, 2016

Commencing at 9:35 a.m.

Maui Arts & Cultural Center

Haynes Meeting Room

One Cameron Way

Kahului, Maui, Hawai'i 96732

AGENDA

I Call to Order

II Adoption of Minutes

III Tentative Meeting Schedule

IV Adoption of Order - A89-646 Queen Lili'uokalani Trust

V Action - DR15-54 Pu'uonoa H.O.A. & DeVonne Lane (Maui)

VI Action - DR15-54 Pu'uonoa H.O.A. & DeVonne Lane (Maui)

VII Executive Session

VII Action - DR15-54 Pu'uonoa H.O.A. & DeVonne Lane (Maui)

BEFORE: Jean Marie McManus, CSR #156

1 APPEARANCES:

2 EDMUND ACZON, CHAIRPERSON

3 COMMISSIONERS:

4 JONATHAN SCHEUER, VICE CHAIR

ARNOLD WONG, VICE CHAIR

5 NANCY CABRAL

KENT HIRANAGA

6 AARON MAHI

7 DIANE ERICKSON, ESQ.

8 DEPUTY ATTORNEY GENERAL

9 STAFF:

10 DAN ORODENKER, EXECUTIVE DIRECTOR

11 RILEY HAKODA, CHIEF CLERK/PLANNER

12 BERT SARUWATARI, PLANNER

DAWN TAKEUCHI APUNA, ESQ.

13 BRIAN YEE, ESQ.

LORENE MAKI, PLANNER

14 STATE OFFICE OF PLANNING

15 MICHAEL HOPPER, ESQ.

DEPUTY CORPORATION COUNSEL

16 WILLIAM SPENCE, PLANNING DIRECTOR

KURT WOLLENHAUPT, PLANNER

17 BENJAMIN KUDO, ESQ.

18 For Queen Lili'uokalani Trust

19 DEBORAH WRIGHT, ESQ.

20 DeVONNE LANE

21 For Pu'unoa H.O.A. and DeVonne Lane

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1 CHAIRPERSON ACZON: Good morning.

2 This is the April 20th, 2016 Land Use
3 Commission Meeting.

4 The first order of business is adoption of
5 the March 23-24, 2016 minutes. Are there any
6 corrections or comments on that? If not, is there a
7 motion to adopt the minutes?

8 VICE CHAIR WONG: So moved.

9 VICE CHAIR SCHEUER: Seconded

10 CHAIRPERSON ACZON: Motion has been made by
11 Commissioner Wong and seconded by VICE CHAIR SCHEUER
12 to adopt the minutes.

13 All in favor say "aye". Any opposed?

14 The minutes are adopted unanimously

15 The next agenda item is the tentative
16 meeting schedule. Mr. Orodener.

17 EXECUTIVE DIRECTOR: Due to a number of
18 withdrawals, the only thing on the agenda right now
19 is May 18th or 19th, which will be the Waimanalo
20 Gulch on Oahu.

21 VICE CHAIR SCHEUER: Mr. Chair, has there
22 been any further confirmation on the presence of some
23 of the intervenors on that matter in our next
24 meeting?

25 EXECUTIVE DIRECTOR: We notified everybody.

1 We don't have confirmation yet of whether or not --

2 VICE CHAIR SCHEUER: Thank you.

3 CHAIRPERSON ACZON: Anybody else? Thank
4 you.

5 The Chair would like to note that the May
6 meeting regarding the status report for SP09-403 will
7 be in a remote facility at the Honolulu Airport and
8 would like to ensure that meals will be provided to
9 the Commission and required staff as an integral part
10 of the meeting.

11 Mr. Orodenker, can you make certain this is
12 attended to?

13 MR. ORDENKER: Yes.

14 CHAIRPERSON ACZON: The next agenda is an
15 action meeting on Docket No. A89-646, Queen
16 Lili'uokalani Trust (Hawai'i)'s Motion for Order
17 Modifying Findings of Fact, Conclusions of Law,
18 Decision and Order filed August 28, 1991 to adopt the
19 form of the order.

20 Will the parties please identify themselves
21 for the record?

22 MS. APUNA: Good morning. Deputy Attorney
23 Genera, Dawn Takeushi Apuna, here for the Office of
24 Planning. Here with me today is Lorene Maki and
25 Bryan Yee.

1 CHAIRPERSON ACZON: Let me update the
2 record.

3 On March 23-24, 2016, the Petitioner
4 presented testimony and argument in support of its
5 Motion at the West Hawaii Civic Center in Kailua --
6 Kona, Hawaii. After testimony and argument by the
7 Parties, the Commission voted to grant Petitioner's
8 Motion.

9 On April 13, 2016, the Commission mailed
10 the April 20th agenda notice to the Parties and to
11 the Statewide, Oahu, Maui and Hawai'i mailing list.

12 On April 18th, 2016, the Commission
13 received notice from the County of Hawaii Planning
14 Department that it had no objection to the adoption
15 of order regarding QLT which will be heard at the
16 April 20th meeting and would not be present at said
17 meeting.

18 Are there any individuals desiring to
19 provide public testimony on this docket?

20 EXECUTIVE DIRECTOR: We don't have anyone
21 signed up, Mr. Chair.

22 CHAIRPERSON ACZON: Mr. Kudo, do you have
23 any comments at this time?

24 MR. MATSUBARA: No comments. I'm just here
25 to answer any questions, if there are.

1 CHAIRPERSON ACZON: Commissioners, before
2 you is the form of the Order granting the Motion for
3 Order Modifying Findings of Fact, Conclusions of Law,
4 Decision and Order filed August 28th, 1991 in Docket
5 A89-646. The Chair will entertain a Motion to
6 approve the form of the Order in this matter.

7 Commissioners, what is your pleasure?

8 COMMISSIONER CABRAL: Would I like to make
9 a Motion in favor of this action.

10 COMMISSIONER WONG: Second.

11 CHAIRPERSON ACZON: The Motion has been
12 made by Commissioner Cabral and seconded by
13 Commissioner Wong. Any discussion?

14 If there is no further discussion, Mr.
15 Orodanker, please poll the Commission.

16 EXECUTIVE DIRECTOR: Thank you, Mr. Chair.
17 The Motion is to adopt the order.

18 Commissioner Cabral?

19 COMMISSIONER CABRAL: Yea.

20 EXECUTIVE DIRECTOR: Commissioner Wong?

21 VICE CHAIR WONG: Aye.

22 EXECUTIVE DIRECTOR: Commissioner Hiranaga?

23 COMMISSIONER HIRANAGA: Aye.

24 EXECUTIVE DIRECTOR: Commissioner Mahi?

25 COMMISSIONER MAHI: Aye.

1 EXECUTIVE DIRECTOR: Commissioner Scheuer?

2 VICE CHAIR SCHEUER: Aye.

3 EXECUTIVE DIRECTOR: Chair Aczon?

4 CHAIRPERSON ACZON: Aye.

5 EXECUTIVE DIRECTOR: Mr. Chair, the Motion
6 carries unanimously.

7 CHAIRPERSON ACZON: We will take a
8 five-minute recess to set up for the next agenda
9 item.

10 (Recess taken.)

11 CHAIRPERSON ACZON: We're back on record.

12 Agenda item V, VI and VIII pertain to
13 DR15-54 Pu'unoa Homeowners Association and DeVonne
14 Lane Petition for Declaratory Order that the proposed
15 construction of a homeless encampment and commercial
16 campground on 7.9 acres of a 22.7 acre parcel located
17 at Hokiokio Place and Lahaina Bypass Road at Maui Tax
18 Map Key No. (2) 4-7-003, portion of lot 31, Lahaina,
19 Maui, Hawai'i, in the State Land Use Agricultural
20 District requires a district boundary amendment.

21 Let me remind the audience that this is not
22 a contested hearing.

23 Will the Petitioner please identify itself
24 for the record?

25 MS. WRIGHT: Good morning. My name is

1 Deborah Wright. I'm here representing the Pu'unoa
2 Homeowner's Association. With me is the other
3 Petitioner, DeVonne Lane.

4 MR. HOPPER: Good morning, Mr. Chair,
5 members of the Commission, Michael Hopper, Deputy
6 Corporation Counsel representing the Maui County
7 Department of Planning. With me is Planning
8 Director, William Spence and staff planner, Kurt
9 Wollenhaupt.

10 MS. APUNA: Good morning, Deputy Attorney
11 General Dawn Takeuchi Apuna on behalf of Office of
12 Planning. Here with me is Lorene Maki, planner, and
13 Deputy Attorney General, Bryan Yee.

14 CHAIRPERSON ACZON: I will call for all
15 those members of the general public desiring to
16 provide public testimony on DR15-54 agenda items V,
17 VI and VIII to identify themselves. All such
18 individuals will be called in turn to our witness box
19 where they will be sworn in prior to their testimony.

20 Are there any individuals desiring to
21 provide public testimony?

22 EXECUTIVE DIRECTOR: We don't have
23 anybody --

24 CHAIRPERSON ACZON: Please have a seat.

25 Do you swear or affirm that the testimony

1 that you're about to give is the truth?

2 THE WITNESS: Yes.

3 JOSHUA BEAM

4 Was called as a public witness, was sworn to tell the
5 truth, was examined and testified as follows:

6 DIRECT EXAMINATION

7 CHAIRPERSON ACZON: Please state your name
8 and address for the record and please proceed.

9 THE WITNESS: Joshua Beam, and I live at
10 1725 Hanohano Street in Lahaina.

11 So I am -- my understanding of what is
12 going on today is that we're trying to decide whether
13 or not the LUC should be hearing the merits of the
14 case and decide on the permit for the campground.

15 I don't think it should -- I support the
16 project. I'm a member on the board of the homeowner
17 campground. And the fact is that this is a Maui
18 issue. There's precedent that it should be allowed
19 in the special use permit process and should be
20 decided by Maui people.

21 I was born and raised in Lahaina. And I
22 support the project. I think it's a great thing and
23 a positive way to help people when in need.

24 That's all I got to say.

25 CHAIRPERSON ACZON: Any questions, Ms.

1 Wright?

2 MS. WRIGHT: No.

3 CHAIRPERSON ACZON: OP? Commissioners?

4 VICE CHAIR SCHEUER: Thank you for coming
5 to testify.

6 Do you understand that when we take action
7 on these projects, we don't take actions about
8 whether -- the merit of whether it's good to help
9 homeless individuals or anything else? That we're
10 required to look at the law and rules and cases
11 involved?

12 THE WITNESS: Yeah, but I have to plug that
13 in. The first part of my testimony was that I don't
14 think you guys should be hearing the merits of --

15 VICE CHAIR SCHEUER: And I heard that. I
16 just want to make sure that, you know, our actions
17 are never for or against homeless people no matter
18 how we decide today.

19 THE WITNESS: My fear is that the
20 Petitioners, their motivations are different.
21 They'll make the process more complicated and so it's
22 the end justifies the means kind of thing.

23 VICE CHAIR SCHEUER: Thank you for your
24 testimony.

25 CHAIRPERSON ACZON: Anybody else? Please

1 have a seat.

2 CHAIRPERSON ACZON: May I swear you in?

3 Do you swear or affirm that the testimony
4 that you're about to give is the truth?

5 THE WITNESS: Yes.

6 BRUCE U'U

7 Was called as a public witness, was sworn to tell the
8 truth, was examined and testified as follows:

9 DIRECT EXAMINATION

10 CHAIRPERSON ACZON: Please state your name
11 and address for the record and proceed.

12 THE WITNESS: Bruce Wu. My address is 249
13 Kupua Street, Paia, Maui.

14 Good morning everyone. I wasn't going to
15 testify, I was just to hang out there and listen.
16 And I haven't been following the process. I know I
17 testified at council awhile back, I can't put a date
18 on it.

19 And I see there before the body, as the
20 same as Joshua, in thinking that the process is
21 different, this process, where it comes before this
22 body.

23 I also do believe that the Planning
24 Commission is more than capable, in fact set up to
25 handle this type of cases, the Special Use Permit.

1 And I would know that, because -- well, I
2 was part of the Planning Commission for five years.
3 I was vice chair for Planning Commission for five
4 years. So we had a bunch of Special Use Permits that
5 came to our way, and we handled it like any other
6 case.

7 I've never seen, I've never heard of the
8 process being done this way, because of some type of
9 petition signed to have it go to an avenue different
10 than anyone else prior to filing for a Special Use
11 Permit.

12 So I've never heard it, and I was lost
13 coming in here, trying to understand or wrap my brain
14 around how can a petition reroute the process that's
15 beyond going for -- I guess you going to have to ask
16 the Planning Director, four years, regardless like
17 Vice Chair said, Jonathan -- can't pronounce your last
18 name, sorry, kala mai.

19 It just sets precedent for the next person
20 coming in here and getting petitions. If that's the
21 case, we can go get them too, but there is a
22 respected process in place. It's been respected for
23 years, and I like you guys to respect the process
24 also.

25 That's all I have to say. By the way,

1 thank you guys for coming and thank you for giving me
2 the opportunity to give my two cents.

3 CHAIRPERSON ACZON: Any questions for the
4 testifier? Ms. Wright?

5 MS. WRIGHT: Yes, I have one question.

6 Are you under the impression that the
7 reason we are here before the Land Use Commission is
8 because of a petition that was signed by a group of
9 people, by many people?

10 THE WITNESS: The only reason I'm here --
11 haven't been following that. If this never been done
12 before. Like I've been on the Planning Commission
13 for five years, and we dealt with a lot of Special
14 Use Permit cases that never went to Land Use. And I
15 just -- this is something new, that's why I'm here.

16 I don't know about the petition. That's
17 what I heard someone said earlier. Just the process
18 is different from what's been happening for the last
19 20 years to my knowledge, that's all.

20 MS. WRIGHT: Thank you. No other
21 questions.

22 CHAIRPERSON ACZON: County? OP?
23 Commissioners? Thank you Mr. U'u.

24 Anybody else? No one else.

25 General public portion of the proceedings

1 on number DR15-54 is now completed.

2 Ms. Wright, I understand you have submitted
3 a Position Statement and a Supplement to Position
4 Statement which, among other things, indicate that
5 the Commission lacks jurisdiction over this matter.

6 MS. WRIGHT: I apologize. Some people were
7 talking. I'm having trouble hearing.

8 CHAIRPERSON ACZON: I understand you have
9 submitted a Position Statement and a Supplement to
10 Position Statement which, among other things,
11 indicate that the Commission lacks jurisdiction over
12 this matter.

13 Do you want to make oral argument on this
14 issue?

15 MS. WRIGHT: Yes, I would like to make oral
16 argument on all the positions that we stayed.

17 CHAIRPERSON ACZON: Please proceed.

18 MS. WRIGHT: First of all, with regard to
19 the jurisdictional aspect, there are a couple
20 different portions to our argument on the
21 jurisdictional matter.

22 This order, this Declaratory Order that was
23 entered by the Land Use Commission on March 3rd.

24 There are a couple different bases. First
25 of all, the Declaratory Order entered on March 3rd,

1 20016 by the Land Use Commission was appealed on
2 March 29 to the circuit court. When that appeal was
3 filed, the jurisdiction over that Order goes to the
4 appellate court, in this case the circuit court.

5 That is the court that has the right to
6 make decisions, and with regard to the Order. And in
7 fact, there is a process by which, under Rule 91-14,
8 where if the court says it needs more information, or
9 if the court wants to have some evidence taken on the
10 issue, it can refer it back to the agency, if someone
11 request it under the proper procedures.

12 So there is a way for the court to send it
13 back to the agency to ask for additional information,
14 and that hasn't happened.

15 So right now I don't believe, just based on
16 the appellate process, that the Land Use Commission
17 has jurisdiction to make a determination with regard
18 to the Declaratory Order, either to act on it in any
19 way, reconsider it, resend it, do anything to it just
20 because of that.

21 Additionally, under your Hawaii
22 Administrative Rules there a couple of different
23 rules, one of which is if you're going to reconsider
24 an Order under 15-15-84, that the reconsideration has
25 to be set and occur within seven days of the order.

1 Now, I know that you haven't used the word
2 "reconsider" on the agenda per se, but saying that
3 you want to make a determination on whether or not to
4 rescind an Order is reconsidering the Order.

5 Whether or not then after that you're going
6 to consider the petition again is reconsidering the
7 petition. So you're outside the time limits to do
8 that under your own rules.

9 Additionally, under 15-15-100, it says that
10 the LUC must take action within 90 days on the
11 Petition. And it gives a variety of things that you
12 have the power to do, which is to deny the Petition,
13 to grant the Petition and enter a Declaratory Order,
14 or to set a Petition for Evidentiary Hearing.

15 And if you set it for Evidentiary Hearing
16 there are different time limits that may kick in in
17 that circumstance if you're going in a different
18 process.

19 But if you're going to take action, you
20 have to do it within 90 days. And in this case, you
21 did. You took action within 90 days and you entered
22 a Declaratory Order. But that 90 days has now
23 lapsed. And as a result, I don't believe that you
24 can then take action on the Petition itself outside
25 the time limits that are in your own administrative

1 rules.

2 And we went through the rules. We went
3 through also the statute on the appeal. And from
4 everything that we could see on this, it was very
5 clear that right now the jurisdiction is with the
6 appellate court. And besides that, you're outside
7 your time limits to take action, whether you call it
8 a recision or a reconsideration, which is really what
9 it is.

10 So we do object to the Land Use Commission
11 taking action on the Petition at this time period for
12 a couple different jurisdictional reasons.

13 Did you want me to go into the underline or
14 even --

15 CHAIRPERSON ACZON: Just jurisdiction.

16 MS. WRIGHT: That's all on jurisdiction
17 right now.

18 I'm willing to answer any questions anyone
19 asks.

20 CHAIRPERSON ACZON: Mr. Hopper, does the
21 county wish to make an argument?

22 MR. HOPPER: Perhaps briefly, but you can
23 ask your Attorney General for advise on this matter.

24 We basically understood that this was an
25 argument being raised. We found that out yesterday

1 essentially, so we don't have a whole lot to offer
2 other than that the county doesn't believe that the
3 declaratory ruling was in error, as you probably
4 would have guessed from the county's filing, and
5 believes that the court will most likely remand the
6 case based on some clear Supreme Court law dealing
7 with the issue that the declaratory ruling dealt
8 with.

9 So it wouldn't see a reason why the
10 Commission couldn't modify its declaratory order or
11 rescind its declaratory order if it believed it was
12 an error and would not see a reason why it would have
13 to wait for the circuit court to do that if it found
14 that it had made a clear error and wanted to correct
15 that error and believes the court would most likely
16 prefer that. But we can't speak for the court,
17 obviously.

18 We have no case law that would deal with
19 the Land Use Commission lacks the ability to rescind
20 an order that it believes was in error for a variety
21 of reasons. And does believe that that's the
22 appropriate course of action in this case

23 Presumably, in scheduling the matter, it
24 was determined the Commission can take that action
25 and, again, the county apologizes, it does not have a

1 full rundown of the case law on this issue. It was
2 made aware of it yesterday, but does believe that the
3 Commission can rescind the order if it so chooses in
4 this case.

5 In general, case law deals with the fact
6 that, or states that commissions have the inherent
7 authority to modify or otherwise deal with orders
8 that it creates essentially that's giving the
9 Commission the inherent authority to modify its own
10 orders or rescind its orders after they're made if it
11 believes they are error and doesn't think an error
12 like this should be perpetuated and have to go
13 through circuit court process because of a
14 jurisdictional argument.

15 That's the county's position at this time.

16 CHAIRPERSON ACZON: Ms. Apuna.

17 MS. APUNA: So Office of Planning, we would
18 support the Commission's revisiting the Declaratory
19 Order if there seems to be an error. However, if the
20 Commission feels concerned about the issue of
21 jurisdiction, the Commission could go to the circuit
22 court and ask that the case be remanded so that we
23 could again do the Declaratory Order.

24 CHAIRPERSON ACZON: Thank you.

25 MS. WRIGHT: May I address some of the

1 statements that were made?

2 CHAIRPERSON ACZON: Go ahead.

3 MS. WRIGHT: Thank you.

4 I'm just addressing briefly the general
5 tenor of what Mr. Hopper said, and that is where he
6 said, well, you know you should have some sort of
7 inherent authority to take a look at your own orders.

8 The general rule of law, and your counsel
9 can advise you on this, is that either you have
10 jurisdiction or you don't. It's not a matter of
11 whether you desire to take another look or want to do
12 certain action. There are times where that happens,
13 I'm sure, with judges in their courts, with other
14 situations.

15 The rule of law is that if you don't have
16 jurisdiction, you just don't have it. It's not
17 anything that's negative towards the Land Use
18 Commission. It's simply a matter that, well, do you
19 have jurisdiction to take action or do you not? And
20 in this instance, I don't think you do so.

21 And I'm sorry, I don't know her name, but
22 the other attorney general who spoke, she referenced
23 the fact, which is kind of what I was saying, that if
24 you want to take additional action, there is away to
25 apply to the court and to ask the court to remand it

1 to you so that you could take additional action.

2 That's what I was talking about earlier,
3 that there are certain ways where the court can grant
4 you jurisdiction to take other action, but that
5 hasn't happened. So the jurisdiction remains with
6 the court.

7 That's all. Thank you.

8 CHAIRPERSON ACZON: Thank you. Take that
9 into consideration

10 The Chair would like to entertain a motion
11 for an Executive Session to consult with the
12 Commission's attorney regarding the Commission's
13 duties, rights, responsibilities and obligations with
14 respect to the Commissioner's duties, rights, and
15 responsibilities and obligations with respect to the
16 Commission's duties, rights and responsibilities
17 concerning DR15-54.

18 May I have a motion to enter into executive
19 session?

20 COMMISSIONER MAHI: I move.

21 CHAIRPERSON ACZON: Any second?

22 VICE CHAIR WONG: Second.

23 CHAIRPERSON ACZON: Moved and seconded.

24 Any discussion?

25 All those in favor say "aye". Opposed? We

1 will now go into executive session.

2 (Executive session.)

3 CHAIRPERSON ACZON: We're back on the
4 record.

5 Commissioners, you've heard the parties'
6 argument. Is there any discussion?

7 VICE CHAIR SCHEUER: I would like to make a
8 motion.

9 I heard the arguments, and having conferred
10 with our counsel in executive session, I would like
11 to move that we find that the Land Use Commission,
12 because of the case that has been filed in the Second
13 Circuit Court, we do not have jurisdiction to take up
14 the agenda, to have further discussion or take up
15 actions under agenda items V, VI and VIII.

16 CHAIRPERSON ACZON: Is there a second?

17 VICE CHAIR WONG: Second.

18 CHAIRPERSON ACZON: A motion has been made
19 by Vice Chair Scheuer and seconded by Vice Chair
20 Wong. Any discussion?

21 No discussion? Hearing no discussion, Mr.
22 Orodenker.

23 EXECUTIVE DIRECTOR: Thank you, Mr. Chair.

24 The motion is to dismiss agenda items V, VI
25 and VIII based on lack of jurisdiction.

1 Vice Chair Scheuer?

2 VICE CHAIR SCHEUER: Aye.

3 EXECUTIVE DIRECTOR: Commissioner Wong?

4 VICE CHAIR WONG: Aye.

5 EXECUTIVE DIRECTOR: Commissioner Mahi?

6 COMMISSIONER MAHI: Aye.

7 EXECUTIVE DIRECTOR: Commissioner Cabral?

8 COMMISSIONER CABRAL: Aye.

9 EXECUTIVE DIRECTOR: Commissioner Hiranaga?

10 COMMISSIONER HIRANAGA: Aye.

11 EXECUTIVE DIRECTOR: Chair Aczon?

12 CHAIRPERSON ACZON: Aye.

13 EXECUTIVE DIRECTOR: Thank you. Mr. Chair,
14 motion passes unanimously.

15 CHAIRPERSON ACZON: That takes care of
16 agenda V, VI and VIII.

17 Agenda item VII is executive session to
18 consult with the Commission's attorney regarding the
19 Commission's duties, rights, responsibilities and
20 obligations with respect to pending litigation,
21 including Ho'omoana Foundation v. Land Use
22 Commission, et al., Civil No. 16-1-0160(3) and
23 Hearings Officer appointment for A89-649 Lana'i
24 Resort Partners-Manele.

25 Is there a motion to go into executive

1 session?

2 VICE CHAIR WONG: So move.

3 COMMISSIONER MAHI: Second.

4 CHAIRPERSON ACZON: Discussion? Those in
5 favor say "aye", opposed? Motion carries.

6 (Executive session.)

7 CHAIRPERSON ACZON: Back on record.

8 We have concluded or executive session.

9 Commissioner Cabral, I believe we have a
10 motion.

11 COMMISSIONER CABRAL: Yes, thank you,
12 Chair.

13 I would like to make a motion that we would
14 ask LUC staff and Diane from the AG office to
15 investigate and come back to us with procedurals or
16 recommendations on appointing a hearing officer for
17 A89-649 Lana'i Resort Partners Manele.

18 CHAIRPERSON ACZON: Is there a second?

19 COMMISSIONER MAHI: Seconded.

20 CHAIRPERSON ACZON: Moved by Commissioner
21 Cabral and seconded by Commissioner Mahi.

22 Any discussion? Hearing none, those in
23 favor say "aye". Opposed? Motion carries.

24 Agenda item IX, legislation status report.

25 EXECUTIVE DIRECTOR: There isn't much to

1 report on since the last meeting. House Bill 2617
2 has been set for conference committee to expand our
3 powers. There's been some discussion on whether or
4 not there would be any modifications to that bill.

5 A conference committee on the house side
6 has been set. It is Representative Yamane,
7 Representative Yamashita, and Representative Becky
8 Pa.

9 The conference committee on the senate side
10 is not -- we believe Senator Gabbard is waiting to
11 see how that comes out.

12 CHAIRPERSON ACZON: Any questions?

13 COMMISSIONER CABRAL: I think there was a
14 senate hearing earlier this week you may want to
15 report on.

16 VICE CHAIR SCHEUER: I second Commissioner
17 Cabral.

18 EXECUTIVE DIRECTOR: Excuse me for that.

19 Vice Chair Scheuer and Commissioner Cabral
20 were reappointed -- not reappointed. It was a
21 hearing in front of senate board of land committee
22 where their confirmation hearing where it was
23 determined that their names would be sent out to the
24 four for confirmation, two other names were also sent
25 down Commissioners, Dawn Chang, who used to be Deputy

1 Attorney General, her name was also submitted as at
2 large, and Gary Okuda, an attorney, his name was sent
3 down as well another at large position.

4 CHAIRPERSON ACZON: So it's going to the
5 full senate?

6 EXECUTIVE DIRECTOR: Yes.

7 CHAIRPERSON ACZON: Congratulations.

8 COMMISSIONER CABRAL: Thank you.

9 CHAIRPERSON ACZON: Any other business?

10 No other business, this meeting is
11 adjourned.

12 (The proceedings adjourned at 11:07 a.m.)
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CERTIFICATE

STATE OF HAWAII)
) SS.
COUNTY OF HONOLULU)

I, JEAN MARIE McMANUS, do hereby certify:

That on April 20, 2016, at 9:35 a.m., the
proceedings contained herein was taken down by me in
machine shorthand and was thereafter reduced to
typewriting under my supervision; that the foregoing
represents, to the best of my ability, a true and
correct copy of the proceedings had in the foregoing
matter.

I further certify that I am not of counsel for
any of the parties hereto, nor in any way interested
in the outcome of the cause named in this caption.

Dated this 20th day of April, 2016, in
Honolulu, Hawaii.

JEAN MARIE McMANUS, CSR #156