

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

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

November 16, 1995

COMMISSIONERS PRESENT: Allen K. Hoe  
Jo Ann Mattson  
Rupert K. Chun  
Trudy K. Senda  
M. Casey Jarman

*approved  
12/1/95*

COMMISSIONERS ABSENT: Eusebio Lapenia, Jr.  
Elton Wada  
Lloyd Kawakami  
Merle A.K. Kelai

STAFF PRESENT: Esther Ueda, Executive Officer  
Jon Itomura, Esq., Deputy Attorney  
General  
Bert Saruwatari, Staff Planner  
Kathy Yonamine, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Julie Sorenson, Court Reporter

Chairperson Hoe called the meeting to order.

CONTINUED HEARING

A93-701 - KAUPULEHU DEVELOPMENTS (Hawaii)

Chairperson Hoe announced that this matter before the Commission is a continuation of the hearing which was previously held on October 10 and 11, 1995.

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

Richard Wurdeman, Esq., Corporation Counsel, County of Hawaii

Ryoden Yamasato, Planning Department, County of Hawaii

James Nagle, Esq., Deputy Attorney General, Office of State Planning

Robyn Loudermilk, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Robert D.S. Kim, Esq., Attorney for Intervenor, Plan to Protect

Jack Davis, Intervenor, Plan to Protect

Alfred Lerma, Esq., Attorney for Intervenor, Coalition

Maile David, Intervenor, Ka Lahui

Charles Young, Intervenor, Ka Lahui

Hannah Springer, Intervenor, Kona Hawaiian Civic Club

R. Ben Tsukazaki, Esq., informed the Commission that the hearing on the Motion for Stay at Third Circuit Court would be held on November 30, 1995 and the Motion to Dismiss filed by the Commission would be held on December 18, 1995. Robert Kim, Esq., informed the Commission that he would sign the stipulation to stay the motion for stay hearing until further notice if there is a statement on record that the proceedings would remain open and that Plan to Protect's case could be presented last. He also notified the Commission that the oral argument on the appeal would be held on February 5, 1995. Chairperson Hoe informed all the parties that the hearing would remain open so that issues that need to be addressed can be heard and that any matters on the subpoena would not be addressed at this hearing. Also the motions filed by Mr. Tsukazaki will not be addressed in this hearing and will be deferred except for Mr. Tsukazaki's Motion to Correct Hearing Transcript of October 10, 1995. At this time, Mr. Kim informed the Commission that he would withdraw the Motion for Stay at the Courts.

Arguments on the Motion to Correct Hearing Transcript of October 10, 1995 were heard from Mr. Tsukazaki. There were no objections by the parties. Chairperson Hoe granted Mr. Tsukazaki's motion.

#### EXHIBITS

1. Petitioner's Exhibit Nos. 34a and 35a were admitted into evidence by the Land Use Commission. Petitioner's Exhibit Nos. 38 and 39 were admitted into evidence by the Land Use Commission.

Mr. Kim was absent from the proceeding at this time.

PETITIONER'S WITNESSES

1. Herb Lee

A lunch recess was taken at 12:05 a.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

Mr. Davis was absent from the proceeding at this time.

PETITIONER'S WITNESSES

2. Ann Mapes

MISCELLANEOUS

1. ADOPTION OF DECISION AND ORDER

Commissioner Senda moved to adopt the Decision and Orders for the SP78-326 - T.T. MEYER, INC. (Molokai) (Third Amendment) and SP95-389 - STATE OF HAWAII, DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES (Kauai). The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

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