

ROBERT CARSON GODBEY, 4685  
Corporation Counsel  
DANA VIOLA, 6095  
ROBERT BRIAN BLACK, 7659  
Deputies Corporation Counsel  
City and County of Honolulu  
Honolulu, Hawaii 96813  
Telephone: 768-5233  
768-5118

RECEIVED

'11 SEP 23 P3 51

DEPT OF PLANNING  
AND PERMITTING  
CITY & COUNTY OF HONOLULU

Attorneys for Applicant  
DEPARTMENT OF ENVIRONMENTAL SERVICES,  
CITY AND COUNTY OF HONOLULU

BEFORE THE PLANNING COMMISSION  
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

In the Matter of the Application of	)	FILE NO. 2008/SUP-2
	)	
DEPARTMENT OF ENVIRONMENTAL	)	DEPARTMENT OF ENVIRONMENTAL
SERVICES, CITY AND COUNTY OF	)	SERVICES, CITY AND COUNTY OF
HONOLULU	)	HONOLULU'S MEMORANDUM IN
	)	OPPOSITION TO KO OLINA
To delete Condition No. 14 of Special Use	)	COMMUNITY ASSOCIATION AND
Permit No. 2008/SUP-2 (also referred to as	)	MAILE SHIMABUKURO'S MOTION TO
Land Use Commission Docket No. SP09-403)	)	RECOGNIZE KO OLINA COMMUNITY
which states as follows:	)	ASSOCIATION AND MAILE
	)	SHIMABUKURO AS PARTIES;
"14. Municipal solid waste shall be allowed at	)	ATTACHMENT 1; CERTIFICATE OF
the WGS� up to July 31, 2012, provided that	)	SERVICE
only ash and residue from H-POWER shall be	)	
allowed at the WGS� after July 31, 2012."	)	
_____	)	

DEPARTMENT OF ENVIRONMENTAL SERVICES,  
CITY AND COUNTY OF HONOLULU'S MEMORANDUM IN OPPOSITION  
TO KO OLINA COMMUNITY ASSOCIATION AND MAILE  
SHIMABUKURO'S MOTION TO RECOGNIZE KO OLINA  
COMMUNITY ASSOCIATION AND MAILE SHIMABUKURO AS PARTIES

COMES NOW DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY & COUNTY OF HONOLULU (hereinafter, "Applicant"), by and through its attorneys, DANA VIOLA and ROBERT BRIAN BLACK, Deputies Corporation Counsel, and hereby respectfully requests that the Planning Commission, City and County of Honolulu ("Commission") deny Petitioners Ko Olina Community Association ("KOCA") and Maile Shimabukuro's ("Shimabukuro") (together, "Intervenors") Motion to Recognize Ko Olina Community Association and Maile Shimabukuro as Parties dated September 16, 2011. In the alternative, Applicant requests that Intervenors be represented by KOCA alone such that KOCA and Shimabukuro will be allowed one opportunity for presenting evidence, cross-examination of the witnesses, etc., pursuant to Rules of the Planning Commission ("RPC") Section 2-55(c).

A hearing on the Petition to Intervene is set for October 5, 2011.

A. RELEVANT FACTS

On June 28, 2011, Applicant filed a State Special Use Permit ("SUP") Application with the Department of Planning and Permitting, City and County of Honolulu ("DPP").

On September 4, 2011, the Applicant caused to be published the required notice of hearing, set for 1:30 p.m., October 5, 2011, at the Mission Memorial Hearings Room, Mission Memorial Building, 550 South King Street, Honolulu, Hawaii.

On September 16, 2011, Intervenors filed a Motion to Recognize Ko Olina Community Association and Maile Shimabukuro as Parties with DPP ("Intervenors' Motion").

Intervenors state that KOCA represents various resort and residential owners throughout the Ko Olina Resort but do not claim that KOCA represents owners whose residences abut the Petition area, despite providing numerous tax map key descriptions. KOCA itself does not have any property interest in the Ko Olina Resort.

Intervenors state that Shimabukuro is a resident of the Leeward Coast of the City and County of Honolulu and an elected Senator for State District 21. While Intervenors do not specify her place of residence in the Motion, in the Verification attached to the Motion, Intervenors state “for the record” that Shimabukuro’s address as 86-024 Glenmonger Street, Waianae, Hawai’i 96792. This address does not abut the Petition Area. Indeed, Petitioners admit that Shimabukuro is not and does not claim an interest as an abutting property owner.

Therefore, neither of the Intervenors have a property interest in the Petition Area nor do they own property that abuts the Petition Area.

B. RELEVANT LAW

Pursuant to RPC Section 2-52(c), “[p]ersons may petition the commission to intervene in all proceedings before the commission for special use permits, subject to the requirements of this subchapter [RPC Subchapter 5].”

RPC Subchapter 5 requires particular information in a petition to intervene. RPC Section 2-53 provides as follows:

- (b) Contents of petition to intervene as a party. The petition shall include the following points:
  - (1) The nature of petitioner’s statutory or other right to intervene as a party to the proceedings.
  - (2) The nature and extent of petitioner’s interest in the proceedings, and if the petitioner is an abutting property owner, the tax map key description of the property.
  - (3) A statement of the specific issues to be raised or contested by the petitioner in the contested case hearing.

- (4) The effect of any decision in the proceeding on the petitioner's interest.

Pursuant to RPC Section 2-55, Intervenor's request to become a party may be denied as follows:

(c) Leave to intervene shall be freely granted, provided that the commission may deny petition to intervene when in the commission's discretion it appears that:

- (1) The position of the party requesting intervention concerning the proposed action is substantially the same as the position of the party already admitted to the proceeding; and
- (2) The admission of additional parties will render the proceedings inefficient and unmanageable.

The term "party" is defined under RPC Section 1-5 as follows:

(j) "Party" means any person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party in a proceeding. More specifically, it includes the following, upon the filing of timely requests:

- (2) Any person with a property interest in the land, or who lawfully resides on the land, or who can demonstrate that person will be so directly and immediately affected by the commission's decision that that person's interest in the proceeding is clearly distinguishable from that of the general public; provided that this requirement shall be liberally construed.

(Emphasis added.)

## C. ARGUMENT

### 1. KOCA and Shimabukuro Are Not Parties to the Current New SUP Application.

Intervenor's argue that because they were allowed to intervene in the prior SUP proceeding, they remain parties to the current action. This is an erroneous conclusion.

In making their assertion, Intervenor's fail to mention that Colleen Hanabusa, on behalf of KOCA and Shimabukuro, appealed the final decision in the prior SUP proceeding for which they now claim continued standing as parties. Specifically, Applicant filed a State SUP Application

with DPP on December 3, 2008. The City and County Planning Commission entered its Findings of Fact, Conclusions of Law, Decision and Order dated August 4, 2009 after which the State Land Use Commission (“LUC”) entered its own Findings of Fact, Conclusions of Law, Decision and Order dated October 22, 2009 (“LUC Order”). Applicant and Intervenors, as represented by then-fellow intervenor Hanabusa, appealed the LUC Order in *In the Matter of Department of Environmental Services, City and County of Honolulu v. Land Use Commission, State of Hawaii; Colleen Hanabusa, Maile Shimabukuro, and Ko Olina Community Association, CAAP No. 10-0000157 (“ENV v. LUC”)* and *Colleen Hanabusa v. Department of Environmental Services of the City and County of Honolulu; Department of Planning and Permitting of the City and County of Honolulu, City and County of Honolulu ICA No. 30517 (“Hanabusa v. ENV”)* respectively. *ENV v. LUC* is currently pending disposition before the Hawaii Supreme Court, and *Hanabusa v. ENV* is pending disposition before the Intermediate Court of Appeals.

Because the LUC entered a final order on the December 3, 2008 SUP Application, Intervenors cannot now claim that the current application is the same matter. “[S]upreme court’s jurisdiction is limited to review of final judgments, orders, and decrees.” *Jenkins v. Cades Schutte Fleming & Wright*, 76 Hawai’i 115, 117-118, 869 P.2d 1334, 1336-1337 (1994). The LUC Order is a final order that has been accepted for appellate review by the Intermediate Court of Appeals and the Supreme Court. Therefore, this is a new action to which Intervenors are not parties.

2. KOCA and Shimabukuro Have Failed To Establish Their Right to Intervene.

Intervenors argue in the alternative their right to intervene as parties to this action.

Because Intervenors refer to matters that are not at issue in the current proceeding, Applicant only addresses arguments pertinent to the new application.<sup>1</sup>

As a preliminary matter, Intervenors argue that “HRS § 205-6 clearly contemplated that all persons ‘that may have an interest in the subject matter’ are to be given consideration in the hearing and action on petition for special permit.” However, HRS Section 205-6 does not address intervention as a party in an application for a special use permit before the Commission; it only concerns notice of the public hearing. HRS Section 205-6 actually states the following:

(b) The planning commission, upon consultation with the central coordinating agency, except in counties where the planning commission is advisory only in which case the central coordinating agency, shall establish by rule or regulation, the time within which the hearing and action on petition for special permit shall occur. **The county planning commission shall notify the land use commission and such persons and agencies that may have an interest in the subject matter of the time and place of the hearing.**

(Emphasis added.) While any interested person might appear at the public hearing, there are more stringent requirements to determine who may intervene and receive the special privileges of appearing **as a party** to the application proceeding. Intervenors’ argument begs the question:

Without an interest in the petition area or having property abutting the petition area, what is

---

<sup>1</sup> Intervenors reference several matters addressed in the prior proceeding. For example, on page 12, paragraph (d) of Intervenors’ Motion, they cite to previously resolved concerns from the Office of Hawaiian Affairs (“OHA”) relating to cultural figures. In this proceeding, however, OHA submitted an August 16, 2011 response to the current application in which it expressed no concerns relating to the cultural figures and did not oppose the application. In fact, OHA stated:

While OHA recognizes the spectrum of concerns which have been expressed by the Leeward O’ahu community regarding the continued disposal of waste at the WGSL, we also recognize that the closure of the WGSL to waste disposal would affect the entire Island of O’ahu because the WGSL is the only landfill disposal option available to the DES at this time.

See OHA’s August 16, 2011 response attached hereto and incorporated by reference as Exhibit “1.”

Intervenors' interest in the special use permit application aside from general concerns as a member of the public, which might be presented in the public hearing?

- a. Intervenors' argument for intervention relies on certain cases and rules that do not support their grounds for intervention.

Applicant objects to Intervenors' reliance on case law and rules that do not apply to this Commission's decision on whether or not to grant intervention under RPC Section 2-55.

Intervenors' argument relies on Hawaii Rules of Civil Procedure ("HRCP") Rule 24, which applies to intervention in circuit court. HRCP Rule 24 does not apply to these proceedings, but even if it did apply, Intervenors do not meet the requirements under HRCP Rule 24, which provides:

**(a) Intervention of right.** Upon timely application anyone shall be permitted to intervene in an action: (1) when a statute confers an unconditional right to intervene; or (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

**(b) Permissive intervention.** Upon timely application anyone may be permitted to intervene in an action: (1) when a statute confers a conditional right to intervene; or (2) when an applicant's claim or defense and the main action have a question of law or fact in common. [. . .] In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

First, Intervenors do not have an unconditional right to intervene; intervention is subject to the considerations in RPC Section 2-55. Furthermore, Intervenors have no interest relating to the petition area or transaction. Second, while the Intervenors have a right to apply for intervention, they have no interest in the special use permit proceeding besides those of the general public; therefore, both the Commission and Intervenors share the same interest—i.e., that

the Application meets the requirements of HRS Chapter 205 and the criteria under RPC Section 2-45. Furthermore, any concerns Intervenors may have as members of the general public can be voiced through public testimony before the Commission.<sup>2</sup>

Applicant objects to Intervenors' suggestion that *Sierra Club v. Dep't of Transp., State of Haw.*, 115 Haw. 299 (2007) is applicable to the question before the Commission. In *Sierra Club*, the Hawaii Supreme Court analyzed, *inter alia*, whether the plaintiffs had procedural standing under Hawaii's environmental impact statement ("EIS") law. The court held that the defendants in that case improperly avoided procedures under the state's EIS laws. *Sierra Club* dealt with laws and circumstances distinct from the laws and rules applicable to these proceedings. However, even if *Sierra Club* did apply, the Intervenors must show three elements for procedural standing to apply, as follows:

[T]hree important features of the procedural standing doctrine may be noted: (1) it is based on a specific characterization of a plaintiff's injury, namely the denial of some procedures mandated by law; (2) whether there is a procedural injury in turn depends on whether the plaintiff has been accorded a procedural right, an analysis which by its nature focuses on the statutory framework in question; and (3) the plaintiff's procedural right must be coupled with an underlying concrete interest.

*Id.* Under this test, Intervenors do not identify specific procedural rights they were denied under HRS Chapter 205 and the RPCs as those statutes and rules apply to the special use permit application proceeding before this Commission. Similarly, there is no procedural right claimed by Intervenors under the framework of HRS Chapter 205 and the RPCs. Finally, Intervenors

---

<sup>2</sup> In support of its reliance on HRCP Rule 24, Intervenors cite two cases without explaining why the cases are relevant. Both cases are inapposite to the question before this Commission. First, Intervenors cite *State v. Campbell*, 106 Haw. 453 (2005), which dealt with intervention in probate jurisdiction and the definition of terms related to intervention under trust law, HRS § 560:1-201. *Campbell* has nothing to do with intervention before this Commission. Second, Intervenors cite *Hoopai v. Civil Service Comm'n*, 106 Haw 205 (2004), which dealt specifically with intervention in civil proceedings. In that case, the circuit court denied the plaintiff's intervention request and the appellate court reversed on appeal, because (1) intervention was not untimely filed; and (2) the interests of Hoopai and the Civil Service Commission were "substantially different." *Id.* Here, even if HRCP Rule 24 applied, Applicant does not challenge timely filing and the Commission and Intervenors' interests are similar.



have not shown a concrete interest aside from pure speculation on possible impacts from the proposed project.

Applicant further objects to Shimabukuro's suggestion that holding an elected office is grounds for granting intervention. Intervenors' reliance on, *In the Matter of the Application of Hawaiian Electric Company*, 81 Haw. 459 (1996) (hereinafter, "*HECO*"), is misplaced. In *HECO*, the Public Utilities Commission allowed intervention by, among others, James Aki (former state senator) and Joseph M. Souki (state representative). However, the court noted that "[t]he PUC permitted Aki, et al. to participate in their individual capacities as affected residents or HECO ratepayers"—not as elected officials. *Id.* at 462, fn. 8. *HECO* is inapposite to the question of standing before this Commission inasmuch as *HECO* stands for the proposition that elected officials must qualify for intervention as would any other interested person.

Intervenors' other cases do not support intervention in this case. In *Maha'ulepu v. Land Use Com'n*, 71 Haw. 332 (1990), the Kauai County Planning Commission granted intervention based on a petition to intervene in opposition to a special use permit for construction of a golf course on prime agricultural land. The petition stated that members of the intervenor's organization "used the land and adjacent coastal areas." *Maha'ulepu*, 71 Haw. at 334. *Maha'ulepu* thus supports Applicant, not Intervenors. Unlike the intervenors in *Maha'ulepu*, Intervenors here do not use the land within the Petition Area, and the Petition Area is not adjacent to coastal areas or within the special management area.<sup>3</sup>

For these reasons, Intervenors have failed to show the requisite nature of their statutory or other right to intervene as parties to the proceedings, or the nature and extent of Intervenors' interest in the proceedings. Furthermore, they are not abutting landowners, do not have an

---

<sup>3</sup> In the only other cited case involving intervention in a special use permit proceeding, the Land Use Commission, State of Hawaii denied intervention without further discussion; it is unclear how that fact supports Intervenors' request here. *Neighborhood Bd. No. 24 (Waianae Coast) v. State Land Use Commission*, 64 Haw. 265 (1982).

interest in the Petition Area, and do not use the Petition Area. Thus, Intervenors fail to demonstrate that they will be so directly and immediately affected by the Commission's decision that their interest in the proceeding is clearly distinguishable from that of the general public. Consequently, intervention is inappropriate, as the specific issues to be raised or contested by the Intervenors will be addressed by the Commission in its application of the HRS Chapter 205 and the RPC.

- b. In the alternative, if intervention is granted, Intervenors should be represented by KOCA alone.

It is unclear whether Intervenors intend that KOCA and Shimabukuro should be entered as separate parties to the proceedings. If the Commission grants the Petition to Intervene, then both should be represented by KOCA alone such that both will be taken as one party in a consolidated proceeding and allowed a single presentation and opportunity for cross-examination of the witnesses, etc., under RPC Section 2-55(c).<sup>4</sup> Intervenors have not adequately distinguished their separate grounds for requesting intervention. Shimabukuro has only alleged that she is a resident of the Leeward Coast, that she must pass the WGSL in order to get in and out of Wai'anae, that she is the mother of an infant child, that she lives and works in Wai'anae and is a taxpayer. These factors simply do not distinguish her from members of KOCA or for that matter many residents of Waianae. Therefore, in the interest of keeping the proceedings efficient and manageable, Applicant requests that KOCA and Shimabukuro, if allowed to intervene, be represented by KOCA alone.

---

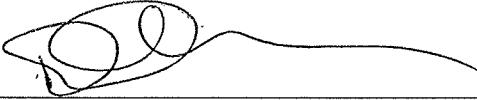
<sup>4</sup> On page 14 of their Motion, Intervenors reference Hanabusa twice, stating that she will be representing Shimabukuro so "[Shimabukuro] will not be an added burden to the proceeding." However, it does not appear that Hanabusa is seeking to intervene in this matter, so it is not clear what Intervenors mean by these references to Hanabusa.

D. CONCLUSION

For the above-stated reasons, Applicant respectfully requests that the Commission deny Intervenors' Motion to Recognize Ko Olina Community Association and Maile Shimabukuro as Parties and the Petition to Intervene or, in the alternative, if the Petition to Intervene is granted, that KOCA and Shimabukuro should be represented by KOCA as one party in a consolidated proceeding.

DATED: Honolulu, Hawaii, September 23, 2011.

ROBERT CARSON GODBEY  
Corporation Counsel

By  \_\_\_\_\_

DANA VIOLA  
ROBERT BRIAN BLACK  
Deputies Corporation Counsel  
Attorneys for Applicant  
DEPARTMENT OF ENVIRONMENTAL  
SERVICES, CITY AND COUNTY  
OF HONOLULU



STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
711 KAPI'OLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

HRD11/2765I

August 16, 2011

Raymond Young  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawai'i 96813

DEPT OF PLANNING  
AND PERMITTING  
CITY & COUNTY OF HONOLULU

'11 AUG 29 A9:04

RECEIVED

**Re: Project File Number 2011/GEN-8  
Amendment of Special Use Permit No. 2008/SUP-2  
Waimanalo Gulch Sanitary Landfill, Island of O'ahu**

Aloha e Raymond Young,

The Office of Hawaiian Affairs (OHA) is in receipt of your July 13, 2011 letter seeking comments on a request by the City and County of Honolulu-Department of Environmental Services (DES) to amend Special Use Permit No. 2008/SUP-2 (permit). The requested amendment will delete the existing July 31, 2012 deadline (deadline) to cease disposal of municipal solid waste (waste) at Waimanalo Gulch Sanitary Landfill (WGSL), allowing the disposal of waste to continue until the WGSL reaches capacity. It is believed the recent expansion of the WGSL from 96 acres to nearly 200 acres would allow the disposal of waste to continue for the next fifteen (15) years.

The deadline to close the WGSL for all material (except ash and residue left over from the conversion of trash to energy via the "H-Power" process) was imposed by the State Land Use Commission (LUC) in 2009. If approved by the City and County of Honolulu-Department of Permitting and Planning (DPP), the amended permit will be transmitted to the City and County of Honolulu Planning Commission (planning Commission) for consideration. If approved by the Planning Commission, the amended permit will then be submitted back to the LUC for consideration.

It is our understanding that the original permit which was approved by the Planning Commission and submitted to the LUC in 2009 did not establish a deadline to cease disposal of waste at the WGSL. Following the establishment of the July 31, 2012 deadline and approval of the permit by the LUC, the DES made it clear that they intended to request an amendment to the approved permit because the WGSL is the only permitted municipal solid waste landfill on the Island of O'ahu.

Long-standing concerns regarding the continued use of the WGS� have been consistently expressed by certain businesses and the Leeward O'ahu community, which includes a large Native Hawaiian population. These concerns were highlighted in September 2010 when a severe storm event (event) caused the release of an unknown amount of trash, including medical waste from the WGS� into near shore waters and onto Leeward O'ahu beaches. This event forced the temporary closure of the WGS� and resulted in a U.S. Environmental Protection order that implemented certain deadlines for the completion of protection measures to prevent the release of trash in the future. The temporary closure of the WGS� caused "backup crises" at wastewater treatment facilities and municipal solid waste transfer stations around the Island of O'ahu.

While OHA recognizes the spectrum of concerns which have been expressed by the Leeward O'ahu community regarding the continued disposal of waste at the WGS�, we also recognize that the closure of the WGS� to waste disposal would affect the entire Island of O'ahu because the WGS� is the only landfill disposal option available to the DES at this time.

A Landfill Site Advisory Committee (committee) has been established to assist the City and County of Honolulu in identifying criteria and ranking alternative landfill sites. The committee met for the first time in January 2011. Once an alternative landfill site is selected, the DES website reports that it will take up to seven years for the permitting and construction process for an alternative landfill site to be completed.

Efforts to reduce the amount of waste disposed of at the WGS� are currently underway. These efforts include but are not necessarily limited to:

- the anticipated completion of a third boiler at the H-Power Facility in mid-2012;
- recycling and "reuse" programs; and
- shipping waste to the continental United States for landfill disposal.

OHA applauds the commitment of committee members and we hope that the DES will continue to support their efforts to identify an alternative landfill site on the Island of O'ahu. The issues and concerns relative to the continued disposal of waste at the WGS� will affect our communities for generations to come and we will continue to monitor the amended permit should it move forward from the DPP to the Planning Commission and LUC for consideration. We have no additional comments at this time.

Thank you for the opportunity to provide comments. Should you have any questions or concerns, please contact Keola Lindsey at 594-0244 or keolal@oha.org.

'O wau iho nō me ka 'oia'i'o,



Clyde W. Nāmu'o  
Chief Executive Officer

CWN:kl

BEFORE THE PLANNING COMMISSION  
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

In the Matter of the Application of ) FILE NO. 2008/SUP-2  
)  
DEPARTMENT OF ENVIRONMENTAL ) CERTIFICATE OF SERVICE  
SERVICES, CITY AND COUNTY OF )  
HONOLULU )  
)  
To delete Condition No. 14 of Special Use )  
Permit No. 2008/SUP-2 (also referred to as )  
Land Use Commission Docket No. SP09-403) )  
which states as follows: )  
)  
“14. Municipal solid waste shall be allowed at )  
the WGSJ up to July 31, 2012, provided that )  
only ash and residue from H-POWER shall be )  
allowed at the WGSJ after July 31, 2012.” )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT A COPY OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU’S MEMORANDUM IN OPPOSITION TO KO OLINA COMMUNITY ASSOCIATION AND MAILE SHIMABUKURO’S MOTION TO RECOGNIZE KO OLINA COMMUNITY ASSOCIATION AND MAILE SHIMABUKURO AS PARTIES was duly served by either hand-delivery or U. S. Mail, postage prepaid, by certified mail, return receipt requested, to the following on the date below, addressed as follows:

	<u>Mail</u>	<u>Delivery</u>
DEPARTMENT OF ENVIRONMENTAL SERVICES City and County of Honolulu 1000 Uluohia Street, Suite 308 Kapolei, Hawaii 96707	X	
DEPARTMENT OF PLANNING AND PERMITTING City and County of Honolulu 650 South King Street, 7th Floor Honolulu, Hawai'i 96813		X
KO OLINA COMMUNITY ASSOCIATION 92-1480 Aliinui Drive Kapolei, Hawai'i 96707	X	
MAILE SHIMABUKURO 86-024 Glenmonger Street Waianae, Hawaii 96792	X	

DATED: Honolulu, Hawai'i, September 23, 2011.




---

DANA VIOLA  
ROBERT BRIAN BLACK  
Deputies Corporation Counsel