



LAND USE COMMISSION
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION
STATE OF HAWAII

2018 NOV 30 P 12:39

In the matter of the Petition of

WAIKOLOA MAUKA, LLC

To Amend the Agricultural Land Use
District Boundaries into the Rural Land
Use District for Approximately 731.581
Acres in South Kohala District, Island of
Hawai'i, Tax Map Key No. (3) 6-8-02:016
(portion)

DOCKET NO. A06-767

ORDER GRANTING LAND USE
COMMISSION'S OWN MOTION TO
CORRECT SEPTEMBER 6, 2018
TRANSCRIPT OF HEARING ON
ORDER TO SHOW CAUSE;
CERTIFICATE OF SERVICE

**ORDER GRANTING LAND USE COMMISSION'S OWN MOTION TO
CORRECT SEPTEMBER 6, 2018 TRANSCRIPT OF HEARING ON ORDER TO
SHOW CAUSE;**

AND

CERTIFICATE OF SERVICE

This is to certify that this is a true and correct
copy of the document on file in the office of the
State Land Use Commission, Honolulu, Hawai'i

11/30/18 by

Executive Officer



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On November 14, 2018, the State of Hawai'i Land Use Commission, filed its own Motion to correct a certain portion of the transcript of the Land Use Commission's hearing on subject petition on September 6, 2018 ¹ ("Motion") per HAR §15-15-72, which was received by Petitioner on September 24, 2018..

At the September 6, 2018 meeting, Cindy Kester provided public testimony on behalf of Julia Alos. It was brought to the Commission's attention by public witness Cindy Kester via email on October 19, 2018 after her review of the transcript, that an error in the transcript

¹ On October 19, 2018, the State of Hawai'i Land Use Commission ("Commission") was made aware of an error in the September 6, 2018 transcript regarding the testimony of Judith Aslo on Page 13, line 21. "Roundabout has now been constructed" should read "roundabout has not been constructed". The Court Reporter, Jean McManus was contacted and verified that an error had been made. At that time the Commission set a hearing date to formally correct the transcript on November 14, 2018.

for September 6, 2018's meeting in Kailua-Kona for Docket No. A06-767 Waikaloa Highlands had been discovered.

On the same day, LUC staff notified Court Reporter Jean McManus via email that there may be an error in the transcript of Ms. Kester's reading of Julia Aslo's testimony on Sept. 6, 2018. Page 13, Line 21. "Roundabout has now been constructed" should read "Roundabout has not been constructed".

Also on October 19, Court reporter Jean McManus reviewed her recording and confirmed via email that "not" was correct and that an error had been made; and that the written testimony read correctly and the transcript needed to be corrected to match.

On November 5, 2018, the Commission mailed the notice and agenda for its meeting via video conference on November 14, 2018 to the Statewide, Oahu, Maui and Hawai'i mailing lists designating agenda item V for the Commission to consider an action motion to correct the transcript accordingly.

The Commission considered its own Motion to Correct the transcript at its meeting on November 14, 2018 via video conference from video conference meeting rooms in Kahului, Maui; Honolulu, Oahu, and Hilo, Hawai'i. Dawn Takeuchi-Apuna, Esq. appeared on behalf of OP(in Honolulu); and, Ronald Kim, Esq., and Jeff Darrow appeared on behalf of the County (in Hilo).

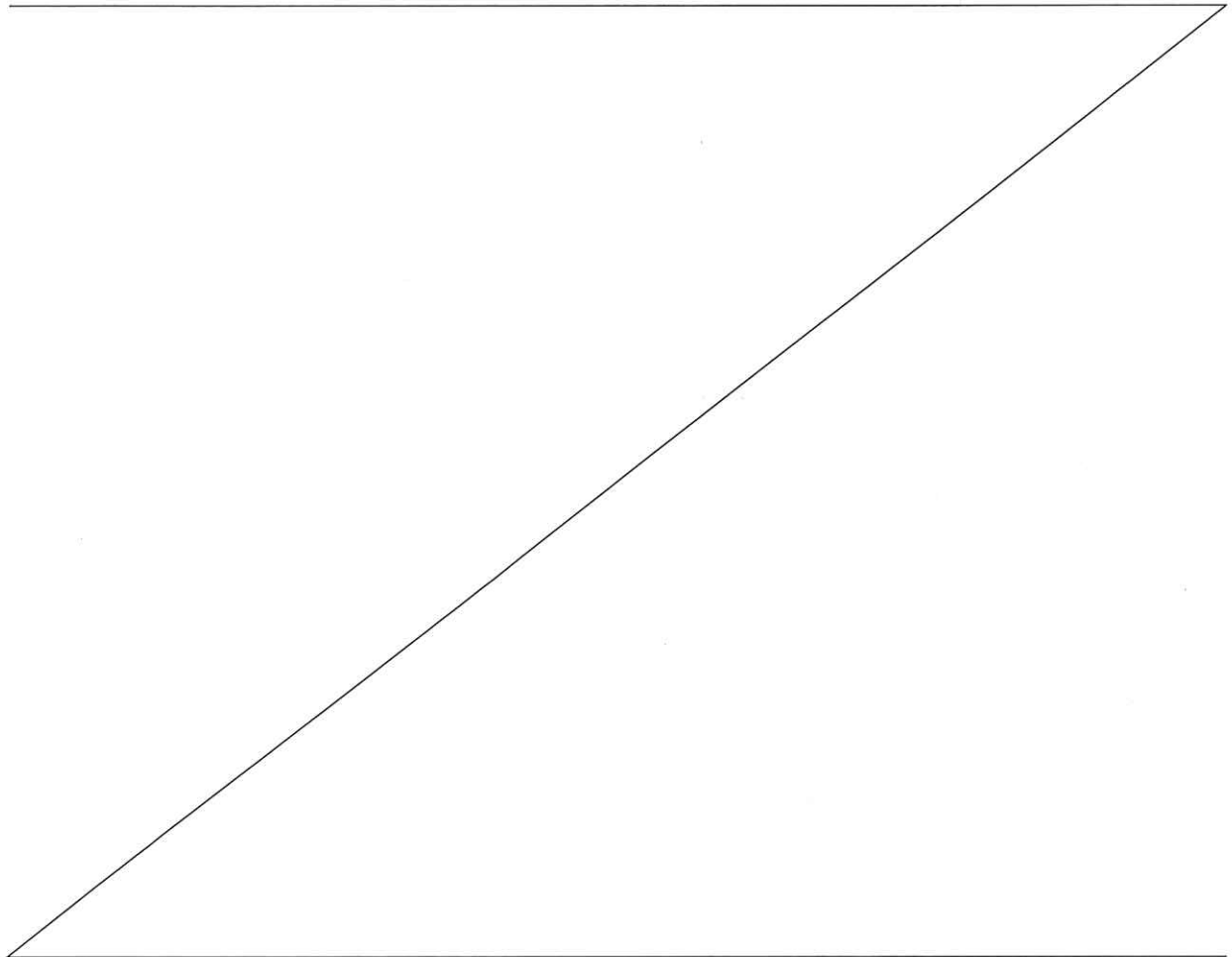
Thereafter, a motion was made and seconded to correct the transcript.

There was no discussion on the motion, and a vote was taken on this motion. There being a tally of 5 ayes, 0 nays, and 3 excused, the motion carried.²

² There are currently only eight sitting commissioners; the Kaua'i seat is vacant at this time.

ORDER

This Commission having duly considered its own Motion, and a motion having been made at a video conference meeting on November 14, 2018, in Kahului, Maui; Honolulu, Oahu; and Hilo, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, Hawai'i Administrative Rules ("HAR"), and there being good cause for the motion, HEREBY ORDERS that the Land Use Commission's own order to correct its September 6, 2018 transcripts be GRANTED.



ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 30th day of November, 2018, per motion on November 14, 2018.

APPROVED AS TO FORM



Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII

By 

JONATHAN LIKEKE SCHEUER
Chairperson and Commissioner

Filed and effective on:

11/30/18

Certified by:



DANIEL E. ORODENKER
Executive Officer



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CERTIFICATE OF SERVICE

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I hereby certify that a certified copy of the ORDER GRANTING LAND USE COMMISSION'S OWN MOTION TO CORRECT SEPTEMBER 6, 2018 TRANSCRIPT OF HEARING ON ORDER TO SHOW CAUSE, was served upon the following by depositing the same in the U.S. Postal Service by registered mail or certified mail as noted:

DEL. LEO ASUNCION, Director
State Office of Planning
P.O. Box 2359
Honolulu, Hawaii'i 96804-2359

DEL. DAWN TAKEUCHI-APUNA, Esq.
Deputy Attorney General
425 Queen Street
Honolulu, Hawaii'i 96813
Attorney for State Office of Planning

CERT. STEVEN S.C. LIM, Esq.
Carlsmith Ball LLP
ASB Tower, Suite 2100
1001 Bishop Street
Honolulu, Hawai'i 96813
Attorney for Petitioner
Waikoloa Highlands, Inc.

CERT. MICHAEL LEE, Director
County of Hawai'i, Planning Department
Aupuni Center
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

CERT. JOSEPH K. KAMELAMELA, Esq.
RONALD KIM, Esq.
Department of the Corporation Counsel
Hilo Lagoon Center
101 Pauahi Street, Suite 325
Hilo, Hawai'i 96720
Attorney for County of Hawai'i
Department of Planning

CERT. Waikoloa Highlands, Inc.
Attn: Natalia Batichtcheva
1200 South Brand Blvd., #202
Glendale, California 91204-2641

Dated: Honolulu, Hawai'i, 11/30/18



Daniel E. Orodener
Executive Officer