



LAND USE COMMISSION
STATE OF HAWAII

2019 MAR 29 P 3:32

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition Of)	DOCKET NO. A06-770
)	
THE SHOPOFF GROUP, L.P.)	ORDER TO SHOW CAUSE;
)	EXHIBIT "A"; CERTIFICATE OF
To Amend The Agricultural Land Use)	SERVICE
District Boundaries Into The Urban)	
Land Use District For Approximately)	
129.99 Acres In North Kona District,)	
Island Of Hawai'i, Tax Map Key Nos.)	
(3) 7-3-007: 038, 039, and (3) 7-3-009: 007)	
_____)	


ORDER TO SHOW CAUSE; EXHIBIT A

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

_____ 3/29/19 _____ by


Executive Officer



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(3) 7-3-007: 038, 039, and (3) 7-3-009: 007)	
_____)	

ORDER TO SHOW CAUSE

TO: KULA NEI PARTNERS LLC

YOU ARE HEREBY COMMANDED, under the authority of Hawai`i Revised Statutes ("HRS") §205-4(g) and Hawai`i Administrative Rules ("HAR") §15-15-93, to appear before the Land Use Commission, State of Hawai`i ("Commission), at the Natural Energy Laboratory of Hawai`i – Hale Iako Training Room #119, 73-970 Makako Bay Drive, Kailua-Kona, Hawai`i, on May 22, 2019, at 9:30 a.m. to show cause as to why that certain land at North Kona, Island of Hawai`i, Tax Map Key Nos. (3) 7-3-007: 038 and 039 and (3) 7-3-009: 007, covering approximately 129.99 acres of land referred to as the Petition Area, and approximately identified on Exhibit "A," attached hereto and

incorporated herein, should not revert to its former land use classification or be changed to a more appropriate classification.

The Commission has reason to believe that you have failed to perform according to the conditions imposed and to the representations and commitments made to the Commission in obtaining the reclassification of the Petition Area.

HRS §205-4(g) authorizes the Commission to impose conditions necessary “to assure substantial compliance with representations made by the petitioner in seeking a boundary change” and “that absent substantial commencement of use of the land in accordance with such representations, the [C]ommission shall issue and serve upon the party bound by the condition an order to show cause why the property should not revert to its former land use classification or be changed to a more appropriate classification.”

Accordingly, the Commission will conduct a hearing on this matter in accordance with the requirements of HRS chapter 91 and subchapters 7 and 9 of HAR chapter 15-15. All parties in this docket shall present testimony and exhibits to the Commission as to whether Kula Nei Partners LLC, as the successor to original Petitioner The Shopoff Group, L.P., for all purposes under the Findings of Fact, Conclusions of Law, and Decision and Order for a State Land Use District Boundary Amendment filed October 21, 2008, has failed to perform according to representations made in seeking the land use reclassification.

Any party may retain counsel if the party desires. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, trust, or other legal entity may represent the corporation, trust, or other legal entity.

ADOPTION OF ORDER

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

Done at Honolulu, Hawai'i, this 29th, day of March, 2019, per motion on March 28, 2019.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

Randall S. Ashiyama
Deputy Attorney General

By 
JONATHAN SCHEUER
Chairperson and Commissioner

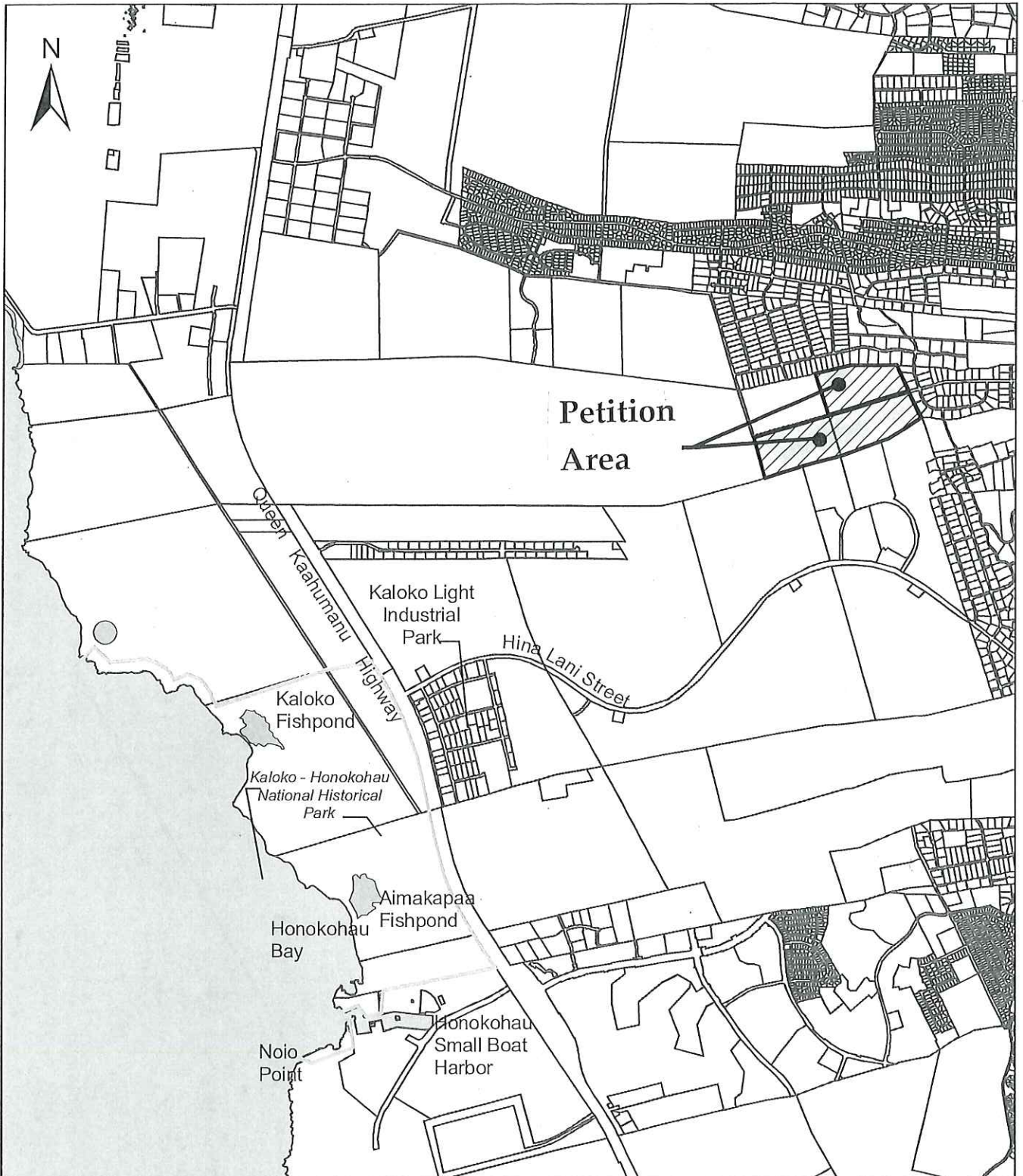
Filed and effective on:

3/29/19

Certified by:



DANIEL ORODENKER
Executive Officer



A06-770 THE SHOPOFF GROUP, L.P.

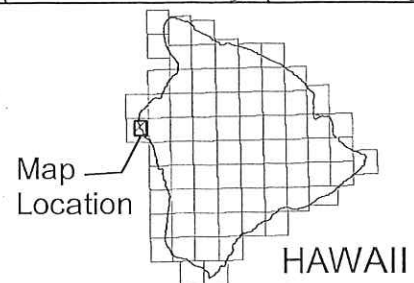
LOCATION MAP

Tax Map Key: 7-3-07: 38, 39 & 7-3-09: 07

Ooma, North Kona, Hawaii

Scale: 1" = 2,000 ft.

EXHIBIT "A"





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)	
of)	CERTIFICATE OF SERVICE
)	
THE SHOPOFF GROUP, L. P.)	
)	
To Amend the Agricultural Land Use)	
District Boundary into the Urban Land Use)	
District for Approximately 127.94 Acres at)	
North Kona, Island of Hawai'i, TMK Nos.:)	
(3) 7-3-007: 038, 039 and (3) 7-3-009: 007)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER TO SHOW CAUSE; EXHIBIT A
was served upon the following by either hand delivery or depositing the same in the U.

S. Postal Service by regular and certified mail:

DEL. MARY ALICE EVANS
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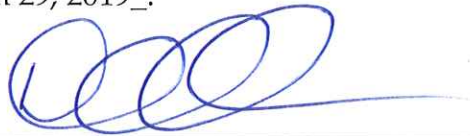
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KAILUA-KONA, HI 96740

Honolulu, Hawai'i, _March 29, 2019_.



Daniel Orodener
Executive Officer