

1 completed or moved along in a timely manner, that  
2 planning doesn't work, because we make plans or we  
3 ensure developments go in a certain order, and if one  
4 project is not working with that timeline, then it's  
5 not how it's supposed to be.

6 And so it is important to be timely, and to  
7 adhere to the conditions or the timelines that are  
8 placed by this Commission or otherwise.

9 CHAIRPERSON SCHEUER: Thank you.

10 Do you want to rebut?

11 MS. GARSON: I have nothing further.

12 CHAIRPERSON SCHEUER: Commissioners, why  
13 don't we set a little time for any further questions  
14 for the Petitioner or any of the other parties, then  
15 I'll call for a recess to give -- when the Petitioner  
16 has a clear idea of at least some of our concerns  
17 about time and any other concerns what they might --  
18 Commissioner Okuda.

19 COMMISSIONER OKUDA: Mr. Chair, I have one  
20 additional question, which perhaps the Petitioner can  
21 answer. And that question is whether or not the  
22 Petitioner would agree to waive making any arguments  
23 or assertion that the Land Use Commission must make a  
24 decision within 365 days from the date of the Order  
25 to Show Cause with respect to the Order to Show

1 Cause.

2 CHAIRPERSON SCHEUER: So you have two basic  
3 questions for the Petitioner, Commissioner Okuda?

4 COMMISSIONER OKUDA: Chair, it's actually  
5 three questions.

6 The first question is whether or not the  
7 Petitioner will agree not to do anything which may be  
8 considered substantial commencement of use of the  
9 land as that phrase or term has been used in the  
10 Bridge Aina Le'a case.

11 Number two, whether or not the Petitioner  
12 will agree not to argue or assert in a future  
13 proceeding that it had done anything which  
14 constitutes substantial commencement of use of the  
15 land, as that phrase is used in the Bridge Aina Le'a  
16 case.

17 And by the way, the time frame for both of  
18 those questions would be the time from the date of  
19 the entry of the order to show cause forward. The  
20 Petitioner would still be able to make their argument  
21 on things that took place or did not take place prior  
22 to the entry of the Order to Show Cause.

23 And then the final question is whether or  
24 not the Petitioner will agree to weigh or not make  
25 any argument that the Land Use Commission was

1 required or is required to make its decision within  
2 365 days of the date of the Order to Show Cause.

3 So three questions, Mr. Chair.

4 CHAIRPERSON SCHEUER: Petitioner, do you  
5 want to ask any clarifying questions just to make  
6 sure that when we go into recess you're clear?

7 MS. GARSON: I think I understand what the  
8 three questions are.

9 CHAIRPERSON SCHEUER: And I don't mean to  
10 suggest anything other than Commissioner Okuda is an  
11 incredibly clear speaker, but just want to make sure.

12 Commissioners, are there any other  
13 questions for the Petitioner? Commissioner Chang.

14 COMMISSIONER CHANG: What I would like to  
15 know is sort of the bottom line for the Petitioner.  
16 Is it your intent to actually file a motion to amend  
17 LUC conditions to support a modified plan?

18 MS. GARSON: Yes. It would be the amended  
19 motion to amend or a new motion to amend. I'm not  
20 sure what form it will take, but it will be a motion  
21 to amend the present D&O.

22 COMMISSIONER CHANG: Under the current set  
23 of facts, circumstances, I think there's adequate  
24 support that the Petitioner has not substantially  
25 commenced the use of the land. Those conditions --

1 but if it is your intention to come back and have a  
2 viable project, and that you need some additional  
3 time to put forth that viable project, and do all the  
4 necessary studies, and then come into us with a  
5 motion to amend, that to me is genuine, and you're  
6 not waisting -- you're not just delaying, but that is  
7 actually your intention, and you now apparently from  
8 January to now there's a change of -- whether there  
9 is a change of leadership or a vision, a clarity,  
10 that you now realize that this new or this modified  
11 proposed plan for the land that you want an  
12 opportunity to pursue that, and yet you want to be  
13 consistent with the LUC conditions so that you would  
14 have to modify those conditions to an amendment.

15 I just want to be really clear. That is  
16 eventually you're intent, and that we are not going  
17 through this kind of futile exercise?

18 MS. GARSON: That is the intent. It's the  
19 same intent that they had in 2006 was to get the  
20 development in line with what their mission is.

21 COMMISSIONER CHANG: And I guess I would  
22 just be very cautious about that, because in 2006  
23 when you came in with a motion to amend, you didn't  
24 do anything for 13 years. And I don't think the LUC  
25 will permit that same kind of time period to pass.



1           So if you say like 2006, there's going to  
2 have to be due diligence and follow through on what  
3 you're saying.

4           MS. GARSON: They understand that.

5           CHAIRPERSON SCHEUER: Commissioners, are  
6 there any other questions for Petitioner at this time  
7 before we take a recess? Commissioner Wong

8           COMMISSIONER WONG: Following up on  
9 Commissioner Chang's question, just to make sure. So  
10 you going back to your clients now. We take a recess  
11 to ask them if we can do less time to have another  
12 hearing for motion to amend. Is that correct?

13          MS. GARSON: I think Mr. Okuda's question  
14 was whether or not we would waive the objection on  
15 the 365, if we go beyond 365 days.

16          COMMISSIONER WONG: This is another  
17 thinking style. If you have to amend the plan and  
18 you have to do all this other things,  
19 construction-wise, if you to have to do a 343 -- EIS  
20 thing, that usually takes six months to eight months,  
21 approximately if everything was going good.

22          So that's going past the 365 days  
23 approximately. So just to give a plan to amend, and  
24 not -- and set up all your ducks, wouldn't that be  
25 kind of fast with that plan, you know, going through

1 setting up the plan?

2 MS. GARSON: They have started working on  
3 the plan. We will certainly come back to you. We  
4 will come back to you if there are roadblocks in our  
5 way, and tell you.

6 COMMISSIONER WONG: Thank you.

7 CHAIRPERSON SCHEUER: Commissioner Aczon  
8 followed by Commissioner Okuda.

9 COMMISSIONER ACZON: Another clarification.  
10 You mentioned that once your client decided what they  
11 want to do, you coming back to us with a new motion  
12 to amend?

13 MS. GARSON: Actually we were thinking we  
14 were going to amend the motion to amend, but I am not  
15 leaving -- so that is what we said. I'm also not --  
16 it may be either to withdraw the file, so I'm not  
17 sure at this point which procedural way we will do  
18 it.

19 COMMISSIONER ACZON: That's where I'm  
20 coming from. Are you going to withdraw your Motion  
21 to Amend 2006 and file another new motion?

22 MS. GARSON: I'm not sure how that is going  
23 to work. The way we worded it was Amend the Motion  
24 to Amend, we need to finish it. Somehow it will --  
25 we will either amend that or we will have a solution.

1           COMMISSIONER ACZON: So just one motion to  
2 amend, not two?

3           MS. GARSON: Not two.

4           CHAIRPERSON SCHEUER: Commissioner Okuda.

5           COMMISSIONER OKUDA: Thank you, Mr. Chair.

6           Let me just, with full disclosure, tell you  
7 how the answer responses to my questions would  
8 affect, at least my view, of the pending matter.

9           If we're forced to face these strict  
10 requirements, or potentially strict requirements of  
11 time, or the strict rules that Bridge Aina Le'a lays  
12 out, substantial commencement of use of the land,  
13 then we have to be really strict as far as how we  
14 handle time requirements, and how strictly we have to  
15 view things, even if it might create practical  
16 problems for what you folks are trying do.

17           On the other hand, if we don't have these  
18 pressures, because it's within your right to waive  
19 certain things that you're entitled to, or certain  
20 arguments you're entitled to, then it's less  
21 pressure, at least for me, to basically put pressure  
22 on you.

23           I mean, I don't have a hidden agenda here  
24 for those questions, that's why I'm asking the  
25 question. Because the response will determine, at

1 least in my view, what alternative we have to take.  
2 Thank you.

3 CHAIRPERSON SCHEUER: Commissioners,  
4 anything further before we recess?

5 It's more of a statement than a question.  
6 The image I have in my mind is that this has gone on  
7 far too long. We're not going to try to assign blame  
8 or fault, but LUC and Petitioner, County and OP can't  
9 be hand in hand, but we can be shoulder to shoulder,  
10 we can try and hold each other accountable in our  
11 relationship to this place and your goals and what we  
12 know the goals are for the overall Urban District and  
13 economic growth of this community.

14 That's the kind of solution I'm looking for  
15 where we can stand comfortable shoulder to shoulder.

16 How long do you need, Ms. Garson?

17 MS. GARSON: 15 minutes.

18 CHAIRPERSON SCHEUER: It's 1:27. We will  
19 reconvene at 1:43.

20 (Recess taken.)

21 CHAIRPERSON SCHEUER: We're back on the  
22 record.

23 Petitioner.

24 MS. GARSON: Thank you for that time.

25 Commissioner Okuda, could you read your

1 first question again? I don't want to butcher it,  
2 that's why.

3 COMMISSIONER OKUDA: The first point is  
4 whether or not the Petitioner will agree that during  
5 the time from the Order to Show Cause date, or let me  
6 -- strike that and start all over again.

7 Whether or not the Petitioner would  
8 stipulate or agree that from the date of the Order to  
9 Show Cause going forward, that the Petitioner will  
10 not argue or claim that it had substantially  
11 commenced the use of the land as that term or phrase  
12 is used in the Bridge Aina Le'a case.

13 MS. GARSON: Yes.

14 COMMISSIONER OKUDA: The second, whether or  
15 not the Petitioner will stipulate or agree that it  
16 will not argue that it had substantially commenced  
17 the use of the land from the date of the Order to  
18 Show Cause going forward?

19 MS. GARSON: I'm sorry, I heard "argue"  
20 twice.

21 COMMISSIONER OKUDA: I might have misstated  
22 it. One question is whether or not the Petitioner  
23 will argue that it had substantially commenced the  
24 use of the land from the date of the order to show  
25 cause; and the second question or stipulation would



1 be whether or not the Petitioner will stipulate that  
2 it would not do anything which would constitute  
3 substantial commencement of the use of the land as  
4 that term is used in the Bridge Aina Le'a case, the  
5 timeframe being from the date of the Order to Show  
6 Cause going forward.

7 MS. GARSON: On number two, Petitioner is  
8 not trying to be difficult. Their concern is that  
9 because substantial commencement hasn't been -- that  
10 it's difficult to determine what that is, that they  
11 won't argue that whatever they did was substantial  
12 commencement, number one. But two --

13 COMMISSIONER OKUDA: That's fair enough.  
14 And based on what you are saying makes plenty of  
15 sense, because -- and maybe that I'm just being  
16 redundant and unnecessary, so actually the answer to  
17 the second question about whether or not -- with  
18 respect to the second question that deals with  
19 conduct which may or may not be considered  
20 substantial commencement of use of the land, Mr.  
21 Chair, I'll just withdraw that question.

22 CHAIRPERSON SCHEUER: So there's one and  
23 three.

24 MS. GARSON: Just so the record is clear,  
25 we are stipulating that we will not argue that

1 anything that we do between the time of the issuance  
2 of the OSC and the hearing on the OSC constitutes  
3 substantial commencement.

4 CHAIRPERSON SCHEUER: Mr. Okuda.

5 COMMISSIONER OKUDA: Yes, that is  
6 satisfactory. And because we also -- I also  
7 recognize that assuming everything works out, you  
8 really wouldn't want to have substantial  
9 commencement, and even in the eyes of the Commission  
10 there might be a situation where it's more proper to  
11 have a record of substantial commencement. So with  
12 your clarification, I think your clarification makes  
13 the question a lot clearer.

14 CHAIRPERSON SCHEUER: Do you want to do  
15 your third condition and allow the Petitioner to  
16 speak?

17 COMMISSIONER CHANG: Mr. Chair.

18 CHAIRPERSON SCHEUER: Commissioner Chang.

19 COMMISSIONER CHANG: What is the date? Is  
20 it from the Order to Show Cause? Can you clarify for  
21 me?

22 MS. GARSON: It was March 29th when the  
23 Order to Show Cause was issued.

24 CHAIRPERSON SCHEUER: Commissioner Okuda.

25 COMMISSIONER OKUDA: Thank you, Mr. Chair.

1           And then the last question would be whether  
2           or not the Petitioner would stipulate that it will  
3           not argue that the Land Use Commission must enter or  
4           make a decision on the Order to Show Cause within  
5           365 days of the date of the Order to Show Cause.

6           MS. GARSON: The Petitioner stipulates to  
7           that.

8           COMMISSIONER OKUDA: Thank you very much.

9           CHAIRPERSON SCHEUER: Does the Petitioner  
10          have anything else that you wish to say?

11          MS. GARSON: No, thank you very much for  
12          your patience and understanding today. Appreciate  
13          the opportunity to be before you and present our  
14          position. Thank you.

15          CHAIRPERSON SCHEUER: Commissioners, with  
16          that, if there is no final questions for any of the  
17          parties --

18          MS. GARSON: Just one thing, that the  
19          things in the stipulation are things that they need  
20          to be ordered to do.

21          CHAIRPERSON SCHEUER: Not number three,  
22          right? The third stipulation had to do with  
23          substantial commencement, so presumably that would be  
24          struck.

25          MS. GARSON: In the written stipulation

1 that was filed, there are four things, five things  
2 that they are going to do under number one, and I  
3 just want to make sure that those are --

4 CHAIRPERSON SCHEUER: Would you read those?

5 MS. GARSON: Be allowed to revise, update  
6 and proceed with any and all new or existing  
7 development plans and studies necessary to support  
8 the amended motion to amend. That was A.

9 B. Establish new and/or improve existing  
10 fire breaks and any other emergency work for the  
11 health and safety of the property surrounding the  
12 Petition Area.

13 C. Conduct any and all further work to  
14 protect and preserve archaeological and historical  
15 sites within the Petition Area pursuant to plans  
16 approved by the State of Hawai'i, Department of Land  
17 and Natural Resources, State Historic Preservation  
18 Division, including without limitation, the  
19 installation of signage, establishment of one or more  
20 access easements, and the restoration of damaged or  
21 disturbed burial sites.

22 D. Continue to pursue development of water  
23 sources within the Petition Area, including but not  
24 limited to test well.

25 E. Construct a security wall and/or fence

1 around the perimeter of the Petition Area.

2 CHAIRPERSON SCHEUER: So just to be clear,  
3 you're ensuring these are requirements that the  
4 Petitioner has for any motion that we make to extend?

5 MS. GARSON: That they be allowed to do  
6 those things.

7 CHAIRPERSON SCHEUER: Any further questions  
8 for the Petitioner or the parties?

9 Commissioner Chang.

10 COMMISSIONER CHANG: And I don't mean to be  
11 redundant because I know you've answered Commissioner  
12 Okuda, but I'm going to ask the same question as I  
13 asked of Office of Planning.

14 Of those five activities that you just  
15 addressed, is it your -- are any of these activities,  
16 if they are completed, substantial commencement of  
17 use of the land?

18 MS. GARSON: Not to be argumentative, I  
19 think they could be, but that's why we have accepted  
20 them. And we have said we won't argue that they are.  
21 So we won't argue that they are.

22 COMMISSIONER CHANG: Okay, very good.

23 CHAIRPERSON SCHEUER: Anything further?

24 If not, Commissioners, where we are, we can  
25 entertain a motion now. If we pass this motion, that



1 will have the effect of obviating the need to take up  
2 No. V on the Order to Show Cause motion, in which  
3 case we would then move on to our last two remaining  
4 administrative matters on the agenda, annual review  
5 and related to our executive officer and officers.

6 So I believe we can entertain a motion. It  
7 could be any kind of motion, but presumably the  
8 motion would be to extend by one year the Order to  
9 Show Cause hearing to allow the Petitioner to file an  
10 amended amendment, either an amendment to the motion  
11 to amend conditions; or to withdraw the motion to  
12 amend conditions and file a new motion to amend  
13 conditions.

14 Second, to accept the two stipulations as  
15 reflected on the transcript from this hearing  
16 regarding not arguing substantial commencement, and  
17 not arguing about the 365-day deadline.

18 And third, to come to us within six months  
19 for a status report.

20 I believe that's what the motion would  
21 potentially contain. But I can't make the motion  
22 because I'm the Chair, but I thought I would make it  
23 a little easier for whoever wants to.

24 Commissioner Wong.

25 VICE CHAIR CABRAL: Wait, the question I

1 have, have we figured out the date that our year  
2 starts on? March 29th, thank you.

3 COMMISSIONER WONG: I'm going to make it  
4 really easy for me. The motion, I want to make the  
5 motion that you just said, what you just said.

6 CHAIRPERSON SCHEUER: This is, with great  
7 respect to my Commissioners, this is why I stated it.  
8 There is a motion by Commissioner Wong.

9 Is there a second? Commissioner Mahi has  
10 seconded the motion. We may now deliberate on the  
11 motion. Is there anything further, Commissioner  
12 Wong?

13 COMMISSIONER WONG: So I wanted to make  
14 that motion that you said so eloquently and I  
15 wouldn't able to say it, this allows all parties to  
16 work together for -- to work together and to get  
17 something done. And hopefully within six months  
18 you'll come back and say, hey, guys, look what we  
19 did, and pretty much -- and then we can go from  
20 there.

21 So that's the reason I wanted to make  
22 that -- well, to do that motion. Thank you.

23 CHAIRPERSON SCHEUER: I will recognize  
24 briefly the Office of Planning's counsel.

25 MS. APUNA: Apologize, Chair, I just wanted

1 to clarify. In the stipulation it said within six  
2 months that the Petitioner would actually provide a  
3 written status report. It does not say that they  
4 would come back to the Commission. Just wanted to  
5 make that clarification.

6 CHAIRPERSON SCHEUER: Thank you for that  
7 clarification. I was not aware of that. At least  
8 the intent of what I said was that given the long  
9 history and significance of this issue that it would  
10 be more than a written status report, that we would  
11 actually come together.

12 COMMISSIONER WONG: Chair, I totally agree  
13 on that, that we come together and talk story.

14 CHAIRPERSON SCHEUER: Thank you, Ms. Apuna.  
15 We are in deliberation on the motion before  
16 us. The motion should have also reflected the  
17 agreement with the conditions that Ms. Garson read as  
18 well.

19 Commissioner Okuda.

20 COMMISSIONER OKUDA: Chair, I would like to  
21 speak in favor of the motion. And let me preface  
22 what I'm saying where there is no substantial  
23 commencement of use of the land with respect to  
24 representations made to the Commission, I agree with  
25 the rationale in Bridge Aina Le'a that there's major

1 public policy reasons including the desensitized land  
2 speculation, and frankly, people saying one thing to  
3 the government or -- and it's not to the government,  
4 actually making representations to the community  
5 about what would take place or not take place, and  
6 then not carrying out these representations.

7           So it's important, as Bridge Aina Le'a laid  
8 out, that we have an obligation to enforce these  
9 conditions. But at the same time we try to make our  
10 decisions based on the evidence that's presented in  
11 front of us. And having heard the testimony, and  
12 even though we can take the position reasonably  
13 saying, look, you've suffered fraud or misfortune or  
14 what have you, it's really not our problem. Perform  
15 the conditions no matter what.

16           What I find persuasive is the fact that  
17 even though the Petitioner was not under any legal  
18 obligation, for example, to engage in any type of  
19 housing project, it did so.

20           And it might have done so for many other  
21 reasons, but the bottom line is the bottom line.  
22 There's at least facts which indicate that it's more  
23 than words to them.

24           Now, we have to take into account that  
25 there's been significant and substantial delay in

1 meeting these conditions, that's why I agreed with  
2 the Chair that we should get together face-to-face  
3 just to keep this thing on tract.

4 But for the reasons I've stated and all the  
5 good cause in the record, I'm inclined to vote in  
6 favor of the motion.

7 CHAIRPERSON SCHEUER: Commissioner Cabral.

8 VICE CHAIR CABRAL: I thank all my fellow  
9 Commissioners and all the great legal minds around me  
10 for tracking on this. I'm much more practical person  
11 and want to get to the bottom line and the answer in  
12 rapid order, and I appreciate the Petitioner for  
13 willingness to not drag me through 13 years of  
14 history to make a decision, because that wouldn't  
15 make me a happy voter.

16 I'm a lay person. I'm just a volunteer.  
17 And, again, I'm here to try and do what's best for  
18 our community, and I think our Commissioners are, and  
19 I am particularly in favor with trying to work with  
20 the Petitioner and get something put together on this  
21 property, like the county's decision is, if that's  
22 what their plan is, the use of the land follows with  
23 what the county wants that land to be used for.

24 We clearly have to start working on  
25 developing land to provide housing and property for



1 people to live and work in, otherwise our various  
2 problems like homelessness will only grow much more,  
3 make it more and more difficult.

4 So I'm excited that hopefully, Petitioner,  
5 you folks will get together and figure out not just  
6 how to have more legal meetings, but how we can  
7 actually find the funds and partner up with somebody  
8 to get your project not just to report, but concluded  
9 it's built out. Thank you.

10 CHAIRPERSON SCHEUER: Thank you,  
11 Commissioner Cabral. Any other -- Commissioner Chang  
12 followed by Commissioner Aczon.

13 COMMISSIONER CHANG: I too am inclined to  
14 vote in favor of this motion. I think at least for  
15 me sitting on the Land Use Commission, reversion is a  
16 very, very drastic remedy and one that I think this  
17 Commission only acts with a tremendous amount of  
18 trepidation, and really looking at what is the intent  
19 of the law and the rules on this.

20 And I think we try as much as possible to  
21 the extent that we can maintain the integrity of what  
22 we had originally approved, and I think I see some  
23 genuineness.

24 I mean this room is full of a lot of  
25 clients, and I think they have a genuine desire to do

1 the right thing. And so I appreciated the  
2 willingness to come back and take some time. I will  
3 caveat that with I think six months should be  
4 sufficient time for you to come back to the  
5 Commission, and I agree physically coming back to the  
6 Commission. I want to see the plans, because I  
7 think -- I also don't want you to presume that the  
8 Commission won't take action on the Order to Show  
9 Cause in the absence of any genuine movement towards  
10 having a plan that is well thought out, you've got  
11 some -- you've done all the things that you say  
12 you're going to do.

13 You may not be able to complete them, but I  
14 think we really want to see that there is genuine due  
15 diligence towards completing them. But I think this  
16 is a really nice balance, again, maintaining the  
17 integrity of the original approval of the LUC and  
18 permitting you to move forward.

19 So for me, I think six months coming back  
20 to the Commission is a reasonable time upon which the  
21 Commission can then evaluate how serious you are to  
22 really doing this, or are you just buying more time.  
23 So for those reasons I'm inclined to support this  
24 motion. Thank you.

25 CHAIRPERSON SCHEUER: Commissioner Aczon.

1           COMMISSIONER ACZON: I hope the Petitioner  
2 appreciates and understand the Commission's hesitancy  
3 to extend the time, and in supporting this motion,  
4 and I also hope the Petitioner recognize our sincere  
5 efforts to work with the Petitioner to make this  
6 development happen. In that regards I'll be  
7 supporting the motion.

8           CHAIRPERSON SCHEUER: Anything further,  
9 Commissioners?

10           I'd just like to thank the parties for  
11 letting cooler heads prevail.

12           Mr. Orodanker, please do a vote.

13           EXECUTIVE OFFICER: The motion is to allow  
14 the Petitioner additional time for the purposes and  
15 with the conditions as stated by the Chair.

16           Commissioner Wong?

17           COMMISSIONER WONG: Aye.

18           EXECUTIVE OFFICER: Commissioner Mahi?

19           COMMISSIONER MAHI: Aye.

20           EXECUTIVE OFFICER: Commissioner Aczon?

21           COMMISSIONER ACZON: Aye.

22           EXECUTIVE OFFICER: Commissioner Chang?

23           COMMISSIONER CHANG: Yes.

24           EXECUTIVE OFFICER: Commissioner Okuda?

25           COMMISSIONER OKUDA: Yes.

1 EXECUTIVE OFFICER: Commissioner Cabral?

2 VICE CHAIR CABRAL: Yes.

3 EXECUTIVE OFFICER: Chair Scheuer?

4 CHAIRPERSON SCHEUER: Aye.

5 EXECUTIVE OFFICER: Thank you, Mr. Chair.

6 The motion passes unanimously.

7 MS. GARSON: Thank you very much.

8 (Off the record.)

9 CHAIRPERSON SCHEUER: Commissioners we are  
10 back on the record.

11 The next agenda item is a nonaction item,  
12 discussion of fiscal year 2020 LUC officers.

13 EXECUTIVE OFFICER: Just to start the  
14 process, we can appoint a nominating committee, have  
15 discussions off record, whatever you want to do.

16 We usually, tradition has always been to  
17 bring this up about this time every year.

18 CHAIRPERSON SCHEUER: I just wanted to make  
19 sure. So typically, not at all times, it has been  
20 that sort of everybody moves up in line, so the Chair  
21 serves one year, steps off. The first vice chair  
22 become the chair, second vice chair becomes the first  
23 vice chair.

24 EXECUTIVE OFFICER: That's not true.

25 That's not true. Please correct me, Dan.

## CERTIFICATE

STATE OF HAWAII                   )  
  ) SS.  
COUNTY OF HONOLULU            )

I, JEAN MARIE McMANUS, do hereby certify:

That on May 22, 2019 at 9:30 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 22nd day of May, 2019, in Honolulu,  
Hawaii.

S/s Jean Marie McManus  
JEAN MARIE McMANUS, CSR #156