Oct. 10, 2021
Written testimony to the LUC's scheduled hearing on Oct. 13, 2021 regarding meeting item #'s .....

II. ADOPTION OF MINUTES Sept. 8-9th, 2021 Minutes

V. EXECUTIVE SESSION - Pursuant to HRS Section 92-5(a)(2) to obtain Attorney General's guidance on dealing with unprofessional conduct by Petitioners.

VI. ACTION - To Consider authorization for the Chair to have ex-parte communication with Petitioners who display unprofessional conduct.

Regarding item *II.* It is unclear to me how I may get a copy of the minutes of a meeting before they are adopted by the Commission. When I am a participant in the meeting I should also be allowed to voice a concern if the minutes do not correctly reflect testimony etc. I recently inquired of the LUC's administrative office in this regard. They told me to watch the LUC's web site. I have watched but it appears that the minutes are only posted after the Commission has already adopted them. I believe that the draft minutes should be made more widely available in advance of LUC meetings. This has been problematic in the past.....

Example: We believe that the LUC's June 24-25, 2020 minutes of meeting do not accurately reflect one of Mr. Orodenker's statements to the Commissioners. We recall hearing Mr. Orodenker say that ***'his staff was working with Church-Hildal'*** in order to bring our filed *Request for a Boundary Determination* ***'before the Commissioners'*** (that Request is different than DR21-72, A18-805 and our request for a boundary interpretation which we advised by LUC administrative statt to file on-line). In fact LUC staff have not ***'worked with us'*** in regard to our filed "***Request for a Boundary Determination***" either before June 24-25, 2020 nor since.

Regarding meeting agenda items *V* and *VI* which we believe pertains to DR21-72 and our subsequently filed "***Notice of Objection***"....

We testify that **we sincerely regret** emailing a copy of a "***Notice of Objection***" to the Commission's regarding the Commission's decision to deny DR21-72 to Commissioner Chair Scheuer and Commissioner Cabral as well as to the Executive Officer, Mr. Orodenker. The Petitioners did not intend to improperly influence the Commissioners in

an improper way. The Petitioners humbly **apologize and promise that they will not communicate directly, in this regard and way again!**

A signed copy of the "***Notice of Objection***" was also mailed to the LUC's administrative office. The Petitioners have noted that the "***Notice of Objection***" has not been posted on the LUC's web-site's case file for DR21-72.

BACKGROUND

1. We noted on the LUC's web site that another petitioner had also recently filed a *Notice of Objection* with the Commissioners that was addressed to "***Chair Scheuer and Commissioners"***.....

   Dear Chair Scheuer and Commissioners:
   This office represents KAUKONAHUA RANCH, LLC and K VIEW, LLC (the "Landowners").

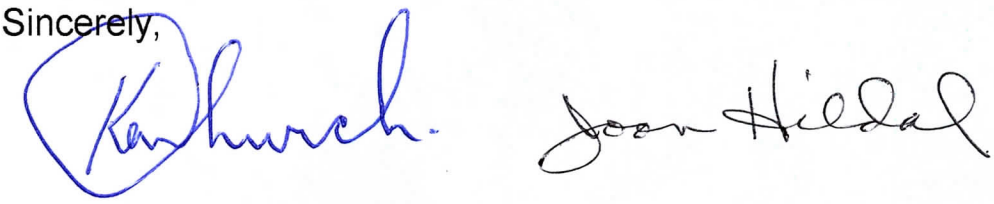
   That *Notice of Objection* also described that it had been emailed and a signed hard copy was also sent by USPS.

   We believed, therefore, that we could similarly address and send our "***Notice of Objection***" by email and USPS.

   We mailed a signed hard copy to the LUC's administrative office and also emailed the "***Notice of Objection***" to Commissioner Chair Scheuer and Commissioner Cabral (Hawaii Island representative) and Executive Officer Mr. Orodenker.

2. The Petitioners believed that the Commissioners had already voted and denied DR21-72.

Sincerely,



Ken Church and Joan Hildal