



1	For the Applicant	TED H.S. HONG, ESQ.
2		101 Aupuni Street
3		Penthouse
4		Hilo, Hawaii 96720
5		and
6		CARTER K. SIU, ESQ.
7		Deputy Attorney General
8		235 S. Beretania Street
9		Suite 304
10		Honolulu, Hawaii 96813
11		(By conference call)
12	For the Planning	AMY SELF, ESQ.
13	Director	Deputy Corporation Counsel
14		333 Kilauea Avenue
15		Second Floor
16		Hilo, Hawaii 96720
17	Pro Se	Jeff Gomes
18		281 Edita Street
19		Hilo, Hawaii 96720
20		
21		
22		
23		
24		
25		

1 THE HEARINGS OFFICER: Okay. Good afternoon.  
2 This is a continuation of the hearing, contested case  
3 hearing of special permit application number 12-000138  
4 submitted by Connections New Century Charter School  
5 and Community Based Education Support Services.

6 I'm Sandra Song, and I'm the hearings officer.

7 And would the parties please identify  
8 themselves?

9 MR. HONG: Good afternoon, my name is Ted Hong  
10 appearing on behalf of C-Bess in this particular  
11 matter, the applicant.

12 MR. SIU: Hi, good afternoon. Carter Siu here  
13 on behalf of the charter school, Connections.

14 THE HEARINGS OFFICER: Good afternoon.  
15 And we'll note that Mr. Siu is appearing here via  
16 telephone.

17 MR. SIU: Yes.

18 MR. GOMES: I'm Jeff Gomes.

19 MS. SELF: Deputy Corporation Counsel on  
20 behalf of the planning director.

21 THE HEARINGS OFFICER: And I would also note  
22 the presence of the commission staff, Planning  
23 Commission staff.

24 MR. HONG: I also note the presence of the  
25 John Thatcher, the principal for Connections Charter

1 School.

2 THE HEARINGS OFFICER: Okay, thank you. All  
3 right.

4 And since this is a contested case hearing, I  
5 have to take public testimony, and I will note there  
6 appears to be nobody in the audience that would like  
7 to give any public testimony, but I will ask, is there  
8 any public testimony to be given today? Let the  
9 record reflect no response, so we will move on.

10 As I can recall, we finished all of the  
11 testimony, and all of the submission of exhibits.

12 Mr. Hong, is that correct?

13 MR. HONG: That's correct.

14 THE HEARINGS OFFICER: Ms. Self?

15 MS. SELF: Yes.

16 THE HEARINGS OFFICER: Mr. Siu?

17 MR. SIU: Yes.

18 THE HEARINGS OFFICER: And Mr. Gomes?

19 MR. GOMES: Yes.

20 THE HEARINGS OFFICER: Since there is nothing  
21 further, what I'm going to do -- and -- does -- the  
22 other thing is each party has a right to oral  
23 argument. We did discuss waiving argument argument.

24 Mr. Hong, are you agreeable with that?

25 MR. HONG: Yes, thank you.

1 THE HEARINGS OFFICER: Mr. Siu?

2 MR. SIU: Yes.

3 THE HEARINGS OFFICER: Ms. Self?

4 MS. SELF: Yes.

5 THE HEARINGS OFFICER: And Mr. Gomes?

6 MR. GOMES: Yes.

7 THE HEARINGS OFFICER: In that case, since  
8 there is no oral argument, I'm going to close the  
9 hearing at this point, and I am going to set this  
10 hearing for submission of proposed findings of fact.

11 MR. GOMES: Excuse me, I'm sorry.

12 THE HEARINGS OFFICER: Yes.

13 MR. GOMES: We received these e-mails. Can  
14 these be submitted as evidence? Do I need to make  
15 copies of them?

16 THE HEARINGS OFFICER: Well, if you want  
17 something submitted as part of the record -- I just  
18 closed the hearing, but I understand you are pro se.  
19 I don't know what these documents are. Have all of  
20 the other parties received these documents?

21 MR. GOMES: This is a letter from  
22 Mr. Brilhante to Sue Lee Loy, and I believe everybody  
23 received it, and also an e-mail to Mr. Bess from Sue  
24 Lee Loy. The parties were Ted Hong, Carter Siu,  
25 Sandra Song, Sid Fuke, myself, Jeff Gomes, Darryn

1 Arai, Amy Self, Jeff Darrow, Holly Shikata.

2 THE HEARINGS OFFICER: Okay. I will note that  
3 I have not -- although that e-mail was sent to me, I  
4 did not open the e-mail, because I thought it might  
5 have been related to mediation, so I have not read  
6 that letter or anything contained in there, although  
7 there is a e-mail from Sue transmitting this letter.

8 Mr. Hong, have you seen the letter? Do you  
9 have --

10 MR. HONG: Yes.

11 THE HEARINGS OFFICER: Do you have any  
12 objection?

13 MR. HONG: I have a concern, and my concern in  
14 terms of mediation, we have signed an agreement that  
15 anything regarding mediation would be confidential,  
16 which is standard operating procedure for any  
17 mediation. So I just note in terms of Mr. Gomes, that  
18 he may want to reconsider that.

19 THE HEARINGS OFFICER: Mr. Gomes, let me ask  
20 you, and I haven't seen the letter, is there anything  
21 in the letter that would relate, not to settlement,  
22 but to your case that you perceive?

23 MR. GOMES: Honestly, I don't know.

24 THE HEARINGS OFFICER: Is that "I don't know"  
25 or "no"? I mean --

1           MR. GOMES: I believe there might be  
2 something.

3           THE HEARINGS OFFICER: If this was done as  
4 part of mediation, I'm inclined not to include it.

5           MR. GOMES: Okay. I believe this is part of  
6 mediation.

7           THE HEARINGS OFFICER: Then I'm not going to  
8 include anything that was discussed in mediation as  
9 part of the record -- of this record in this contested  
10 case hearing, unless the parties had an agreement and  
11 wanted to stipulate to the agreement. But other than  
12 that, mediation should be kept confidential, and to  
13 start disclosing things in mediation, outside, may  
14 interfere with any settlement process, so I'm not  
15 going to include that. And I do understand that even  
16 if I am closing this hearing, and setting time for  
17 submission of findings of fact, that doesn't stop the  
18 parties from talking about settlement. You can still  
19 do that, you're still free to do that at any time. If  
20 settlement is reached, that's your good fortune.

21           So with that in mind, what I'm doing then, is  
22 this matter -- when I talked to Darryn Arai, who is  
23 not here today, this matter will go -- we have ninety  
24 days from the close of the hearing for the Commission  
25 to make a decision, unless the parties stipulate to an

1 extended time.

2 To fit within that ninety-day period, we're  
3 going to be scheduling this for the Planning  
4 Commission hearing on April 3rd, because the ninety  
5 days ends at the end of April.

6 With that in mind, I'm going to set the  
7 deadline of February 12 for submission of findings of  
8 fact. So each party submits their finding of fact to  
9 me at the same time. The findings of fact should have  
10 reference to the transcript, if you don't have the  
11 transcript, it's up to you to get a copy of the  
12 transcript or other portions of the record.

13 I will prepare my report, and have it to the  
14 parties by March 7th, which will allow you to March  
15 21st to file exceptions, and another seven days,  
16 March 28, for support in accordance with the Planning  
17 Commission rules. So with that, is there anything  
18 further we need to take up today?

19 Mr. Hong, anything further?

20 MR. HONG: Yes. Actually, given the modern  
21 age, perhaps, you might be interested in also  
22 accepting electronically, that way you can -- in  
23 crafting your findings of fact, might be easier than  
24 trying to have to type text -- straight from text.

25 THE HEARINGS OFFICER: I don't mind that. My



1 only concern was when I said we have electronic  
2 filings when it came to exhibits, it got to be a mess.  
3 So I don't mind submission of findings of fact  
4 electronically. If you want to send to me in PDF form  
5 or either Word or Word Perfect form, that would be  
6 helpful for editing purposes.

7 MR. HONG: That's fine, and just for, you  
8 know, it's really not important, but I still use  
9 Word Perfect.

10 THE HEARINGS OFFICER: So do I. So do I, but  
11 many people do not. So I sort of stumble along with  
12 Word if I have to, but lot of people use Word today,  
13 but for editing purposes, it would be helpful. But I  
14 would like also a copy as a PDF document, so there is  
15 no question of what you have submitted.

16 MR. HONG: Very good.

17 THE HEARINGS OFFICER: And of course, you have  
18 to serve the other parties.

19 So Mr. Hong, is that okay?

20 MR. HONG: That's fine, thank you.

21 THE HEARINGS OFFICER: Ms. Self?

22 MS. SELF: Yes.

23 THE HEARINGS OFFICER: Mr. Gomes?

24 MR. GOMES: Yes.

25 THE HEARINGS OFFICER: So that means you're

1 filing this by the close of business on February 12.

2 MR. HONG: Very good.

3 THE HEARINGS OFFICER: Okay. And my report  
4 will -- do you want my report e-mailed to you as well?  
5 I can e-mail my report to you.

6 MR. HONG: Yes, please.

7 MR. GOMES: Yes, please.

8 THE HEARINGS OFFICER: Okay. I guess that's  
9 all. We have nothing further.

10 Thank you.

11 (The hearing concluded at 1:42 p.m.)

12 --oOo--

13

14

15

16

17

18

19

20

21

22

23


24

25

1 STATE OF HAWAII )  
2 ) SS.  
3 COUNTY OF HAWAII )  
4

5 I, MERCEDES SHARON SOUZA, a certified court  
6 reporter in the State of Hawaii, do hereby certify  
7 that the foregoing pages are a true and correct  
8 transcription of the proceedings in the above matter.  
9

10 Dated this 3rd day of February, 2014.  
11  
12  
13  
14

15   
16 \_\_\_\_\_

16 Mercedes Sharon Souza, CSR No. 184  
17  
18  
19  
20  
21  
22  
23  
24  
25