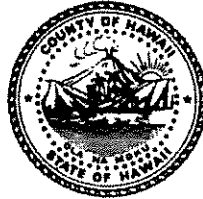


SPP No. 12-000138
CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL
AND
COMMUNITY BASED EDUCATION SUPPORT SERVICES

MISCELLANEOUS CORRESPONDENCE



County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

July 12, 2013

Monica Morris, Esq.
Office of the Attorney General
425 Queen Street
Honolulu, HI 96813
Attorney for Applicant, Connections New Century Public Charter School

Ted H. S. Hong, Esq.
P.O. Box 4217
Hilo, HI 96720
Attorney for Applicant, Community Based Education Support Services (CBESS)

Amy Self, Esq.
Office of the Corporation Counsel
333 Kilauea Avenue, 2nd Floor
Hilo, HI 96720
Attorney for Planning Director, Duane Kanuha

Mr. Jeff Gomes
281 Edita Street
Hilo, HI 96720
Intervenor

Dear Ms. Morris, Mr. Hong, Ms. Self, and Mr. Gomes:

Contested Case Proceedings on the Matter before the Windward Planning Commission
Regarding Special Permit Application No. 12-000138 (SPP-12-000138)
Applicant: Connections New Century Public Charter School and Community Based
Education Support Services
TMK: 2-5-006:141; Kaūmana, South Hilo, Hawai'i

We would like to announce that the Windward Planning Commission has retained Sandra Pechter Song, Esq. to serve as hearings officer for the contested case hearing in the above-entitled matter. The selection of Mrs. Song was done in accordance with the State Public Procurement Code, Section 103D, Hawai'i Revised Statutes.

Monica Morris, Esq.
Ted H. S. Hong, Esq.
Amy Self, Esq.
Mr. Jeff Gomes
Page 2
July 12, 2013

Mrs. Song will be contacting all of the parties who have been granted standing in this particular contested case proceeding to announce a date, time and place for a pre-hearing meeting to discuss procedural and other related matters.

Sincerely,



Wallace A. Ishibashi, Jr., Chairman
Windward Planning Commission

cc: Windward Planning Commission
Duane Kanuha, Planning Director
Margaret Masunaga, Deputy Corporation Counsel
Sandra Pechter Song, Esq. ✓



Sue Lee Loy
Planner and Legal Assistant

August 22, 2013

The Hon. Sandra P. Song, Esq.
Hearings Officer
County of Hawaii Planning Department
101 Pauahi Street
Hilo, Hawaii 96720

RE: Connections New Century Public Charter School/CBESS Special Permit Appl. No. 12-000138

Pre-hearing Conference: August 22, 2013
11:00 a.m.

Dear Ms. Song:

The purpose of this letter is to respond to your request for information concerning ten (10) issues. Please find our response below:

1. Setting the hearing dates. I am available the following dates identified in your request:

A. September, 2013: 13, 16, 17, and 23.

B. October, 2013: 4, 7, 11, 21, 22, 24, 25, 28.

2. Setting a deadline for any objections to the existing Planning Commission record.

We have had the opportunity to review the Record on Appeal thoroughly. We have no objection and request that the entire record be submitted into evidence.

3. Setting a deadline for submission of exhibit lists and exchange of exhibits.

Two (2) weeks before the hearing date.

4. Setting a deadline for submission of witness lists.

Two (2) weeks before the hearing date.

5. Setting a deadline for filing any motions.

Ten (10) days before the hearing date. Opposition memoranda to be submitted three (3) days before the hearing date. Reply memoranda to be submitted one (1) day before the hearing date.

Letter to Ms. Song
August 22, 2013
Page 2.

6. Setting a deadline for submission for any legal memoranda.

One week before the hearing date.

7. Whether any party desires to submit written testimony, and if so, the deadlines for submission of written testimony.

The Petitioner requests that all testimony be heard, live.

8. Setting a deadline for submission of any requests for issuance of subpoenas.

The Petitioner requests that requests for the issuance of subpoenas be submitted three (3) weeks before the hearing date.

9. Conduct of the hearing, including, public testimony and the recordation of the proceeding.

The Petitioners request that the hearing be conducted according to all rules of decorum. Mr. Jeff Gomes has been particularly disruptive of other proceedings in the past. His misconduct has included heckling witnesses by calling them "Liar" after every statement made under oath. He has intimidated witnesses during and outside public hearings. See Exhibit "1," attached to this letter.

Any hearing should be conducted with the utmost courtesy and respect for the process and all participants clearly warned that if they violate the decorum of the process that they will be ordered to leave the proceedings.

Due to the misstatements surrounding the proposed use, the Petitioner requests that any and all proceedings be held with a certified short hand reporter present. The parties should split the cost of reporter and any transcript, including the cost of a copy of the transcript to the Hearing Officer.

In the event that the Hearing Officer decides against the use of a court reporter present, the Petitioner insists that it be allowed to bring its own court reporter to record the proceedings *verbatim*, to avoid any misstatements and misunderstanding.

10. Explanation of post-hearing procedures.

The Petitioner requests that the parties be allowed to submit simultaneous, post-

Letter to Ms. Song
August 22, 2013
Page 3.

hearing briefs. Given the volume of the Record, the Petitioner suggests a fifty (50) page maximum, double spaced, one inch margins, with a table of contents, table of authorities and appendices. The table of contents and authorities should not be counted in the page limitation.

The simultaneous briefs should be due thirty (30) days after the hearing has been closed.

The Hearing Officer should render her decision no later than thirty (30) days after the submission of the briefs. The Hearing Officer should be entitled to extend the time for rendering her Decision, if she deems it necessary to have the parties submit supplemental briefs on other issues.

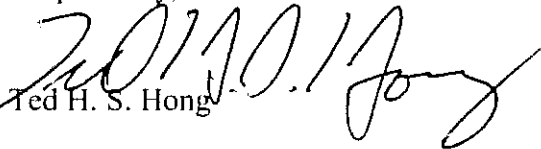
Supplemental briefs should be limited to no more than five (5) pages, doubled spaced, one inch margins.

11. Other issues to be discussed.

A. Discovery: The Petitioners request the right to conduct discovery in the present matter. Specifically, the Petitioner would like to obtain documents from the Respondent(s). The proposed discovery deadline would be five (5) weeks before the hearing date.

Thank you for the opportunity to comment on this important matter. Please let me know if you have any questions or concerns about my responses.

Respectfully,


Ted H. S. Hong

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BEFORE THE Hawaii State Ethics Commission
STATE OF HAWAII

HAWAII STATE ETHICS) CHARGE NO. 10-Cg-4
COMMISSION,)
Complainant,))
versus))
WILLIAM ERIC BOYD,))
Respondent.))
_____)

HEARING
VOLUME 2

Held before the Hawaii State Ethics Commission at the
University of Hawaii at Hilo, 200 West Kawili Street,
Room UCB 127, Hilo, Hawaii, commencing at 8:30 a.m.,
on Wednesday, the 28th of November, 2012.

REPORTED BY: KATHY PEARSON, RPR, CRR, CSR No. 313

1 your business accounts and checks?

2 A No.

3 Q Why not?

4 A Because I have too many other things to
5 do, to be honest. Erika does all of that.

6 Q Okay, let's turn to Exhibit --

7 A I'm sorry, can I take a break?

8 CHAIR SULLIVAN: We're going to take a
9 break for the court reporter. We'll take a short
10 recess at this point.

11 (Off the record at 9:30 a.m., resumed at
12 9:39 a.m.)

13 CHAIR SULLIVAN: We're back on the record,
14 Mr. Hong. If you would like to continue, please.

15 MR. HONG: Madam Chair, I wanted to bring
16 up an administrative point to the Commission's
17 attention.

18 One of the reasons my client requested a
19 recess was because an individual who's sitting in the
20 back in the audience, wearing a red or maroon and
21 yellow shirt, who I know to be Jeff Gomes, after
22 every response that my client is making he says,
23 audibly, the word "liar," and that has been going on
24 for a while.

25 And I would ask the Commission to ban

1 Mr. Gomes from these proceedings for his inability to
2 control himself and act with any kind of decorum, or
3 alternatively, allow me to sit next to Mr. Boyd
4 during his direct testimony.

5 CHAIR SULLIVAN: First, I'll note that I
6 haven't observed Mr. Gomes making any statement or
7 faces. It's my personal observation.

8 I will direct that the gallery, whoever is
9 present, please do not respond visibly to the
10 witness's testimony.

11 And at this point, I'm not going to ask
12 that he or anyone else leave the hearing. It is a
13 public hearing, but I would ask that the people
14 present, you know, behave in a appropriate decorum
15 for a courtroom. Thank you very much.

16 BY MR. HONG:

17 Q We are now at Exhibit C-29. Mr. Boyd, I'd
18 like you to provide us an explanation first about the
19 circumstances for this particular purchase order.

20 A This was a trip that my wife and I
21 escorted students from our high school to
22 Bloomington, Indiana to observe our sister school
23 Harmony, Harmony School there, and observe their
24 year-end procedures, specifically senior projects.

25 That was the specific thing that we went

1 terms of this process that we see in this invoice of
2 C-45 and the prior invoices, I think it's 41 and 43,
3 was this a process that had already been preexisting,
4 prior to 2007?

5 A No, not that was preexisting. We were
6 learning as we went.

7 CHAIR SULLIVAN: I believe Ms. Abdul has a
8 question.

9 COMMISSIONER ABDUL: You testified that
10 you signed as the food service manager because
11 everything was moving so quickly. Who would, if it
12 weren't for the urgency of the timing issue, who
13 would have signed or should have signed as the food
14 service manager, if not you?

15 THE WITNESS: Erika Boyd.

16 COMMISSIONER ABDUL: All right, thank you.

17 MR. HONG: I beg your pardon. I lost my
18 place in terms of the question.

19 BY MR. HONG:

20 Q Did I ask you the question about who
21 submitted this for payment?

22 A Yes. Sandy did.

23 Q And we discussed --

24 THE COURT REPORTER: I'm sorry, I'm
25 hearing voices over there, and I couldn't hear you

1 speaking.

2 MR. HONG: I would just note again for the
3 record that the Chair had asked people in the gallery
4 to have some decorum and remain quiet, and if they're
5 unable or unwilling to do that, I suggest that they
6 be instructed to leave the room, or again, I renew my
7 request to sit next to Mr. Boyd.

8 CHAIR SULLIVAN: So noted, Mr. Hong.

9 Again, I'm going to instruct those present
10 in the hearing room that there's to be no talking
11 during the hearing. It's very important that the
12 court reporter take down the record accurately. And
13 also, it is very distracting to the witnesses and to
14 the attorneys.

15 So if you need to talk, please quietly
16 exit the room, and don't reenter the room until we
17 are on recess. Okay, thank you very much.

18 Mr. Hong, I'm sorry, perhaps the court
19 reporter could refresh your recollection about the
20 question.

21 BY MR. HONG:

22 Q Let me withdraw the part of the pending
23 question and ask a different question.

24 Describe for us the checks and balances
25 that existed at that time to ensure that, with

C E R T I F I C A T E

STATE OF HAWAII)
)
COUNTY OF HAWAII)

I, Kathy Pearson, CSR, do hereby certify:

That on Wednesday, the 28th of November, 2012, commencing at 8:30 a.m., the above-mentioned proceedings were taken by me in machine shorthand and thereafter reduced to print under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption.

DATED: _____

Kathy Pearson, CSR No. 313

TED H. S. HONG, ESQ.

Attorney at Law
P. O. Box 4217
Hilo, Hawaii 96720-0217
(808) 933-1919 office/fax
ted@tedhonglaw.com

TO: ✓ Sandra P. Song, Esq.
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

Daryn Arai, Planning Commission Staff
Jeff Darrow, Planning Commission Staff
County of Hawaii Planning Department
101 Aupuni Street, Suite 3
Hilo, Hawaii 96720

Carter K. Siu, Esq.
Deputy Attorney General
235 S. Beretania Street, Room 304
Honolulu, Hawaii 96813

Jeff Gomes
281 Edita Street
Hilo, Hawaii 96720

Amy Self, Esq.
Deputy Corporation Counsel
333 Kilauea Avenue
Hilo, Hawaii 96720

FROM: **Ted H. S. Hong, Esq.**

DATE: September 4, 2013

RE: CONTESTED CASE – SPECIAL PERMIT NO 12-000138

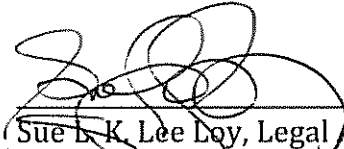
Enclosed, please find the following:

<u>Original:</u>	<u>Dated:</u>	<u>Description:</u>
1	09-03-2013	Notice of No Objection to Record

- | | |
|--|---|
| <input checked="" type="checkbox"/> For your information | <input type="checkbox"/> For signature and return |
| <input type="checkbox"/> Per your request | <input type="checkbox"/> <u>INK</u> |
| <input type="checkbox"/> For review & comment | <input type="checkbox"/> For distribution |
| <input type="checkbox"/> Per our conversation | <input type="checkbox"/> For recording/filing |
| <input type="checkbox"/> For necessary action | <input type="checkbox"/> Other: |

COMMENTS:

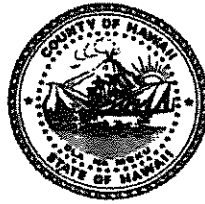
Please find enclosed our Notice of No Objection to the Record in the above entitled matter. Kindly note, the Hearing Officer has been provided the Original and all other parties have been provided copies.



Sue L. K. Lee Loy, Legal Assistant
Ted H.S. Hong, Esq.

RECEIVED
SEP - 5 2013

William P. Kenoi
Mayor



SPP No. 12-000138
Page 1 of 1
Dune Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

September 5, 2013

Sandra Song, Esq.
10 Kamehameha Avenue
Hilo, HI 96720

Dear Ms. Song:

Special Permit Application (SPP 12-000138)

Applicant: Connections New Century Public Charter School and Community
Based Education Support Services

Request: To Develop a K to 12 Charter School Campus with Dorm Facilities,
Intergenerational Programs, a Sustainable Agriculture Program and a
Forestry/Conservation Program

Tax Map Key: 2-5-006:141

Enclosed is a disk dated September 4, 2013 that is the revised record file for the above special permit. The previous disk had similar materials in Folders 3 and 4.

Should you have any questions regarding the above, please do not hesitate to contact Jeff Darrow of this department at 961-8288, ext. 8158.

Sincerely,


DUANE KANUHA
Planning Director

Encl.

Ted H.S. Hong
Attorney at Law

Employment, Workplace Law & Litigation

Sue Lee Loy
Planner and Legal Assistant

SPP No. 12-000138
Page No. 003708

October 4, 2013

Hearing Office Sandy Song
HAND DELIVERY
10 Kamehameha Avenue
Hilo, Hawaii 96720

RE: ISSUANCE OF SUBPOENA AND SUBPOENA DUCES TECUM
In the Matter of Connections New Century Public Charter School and Community
Based Education Support Services
Application for Special Permit Application No. 12-000138
TMK: (3)2-5-006:141

Dear Hearing Office Song:

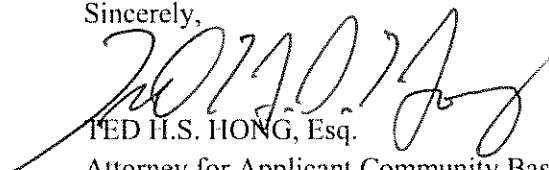
Pursuant to Rule 4-14 of the Planning Commission Rules of Practice and Procedure and your email directive of October 3, 2013 regarding the same, enclosed please find for your signature and issuance subpoena for the following individuals. As directed by your email of October 3, 2013, I provide the following justification for the testimony and/or the request for document production which is also summarized in our Exhibit and Witness Lists.

NAME	JUSTIFICATION
Duana Kanuha, Planning Director	Provide testimony relevant to the land use process, Planning Department Rules, Project Background Report, Recommendations and Conditions of Approval
Bobby Jean Leithead Todd, immediate past Planning Director	Provide testimony relevant to the land use process, Planning Department Rules, Project Background Report, Recommendations and Conditions of Approval
Ron Theil, Traffic Engineer to the County of Hawaii	Provide testimony relevant to the Traffic Report and traffic generation models for this Application
Kurt Inaba, Water Supply	Provide testimony relevant to the water supply and phase water demands for this Application
Layne Novak	Testimony and production of documents is material and relevant to this matter as claims to be the Secretary of the Kaumana community association in which information was gathered and disseminated by her or the group she represents.

Sidney Fuke	Testimony and production of documents is material and relevant to this matter as he delivered a presentation with data, land use process, special permit criteria (See Record at 1960 to 1999)
Terrence Yoshioka	Testimony and production of documents is material and relevant to this matter as he presented an evaluation land use rules (See Record at 1315to 1328)
Melvin Yokota	Testimony and production of documents is material and relevant to this matter as he presented a study of traffic related to this Application (See Record at 1329 to 1339)
Allen L. Novak	Testimony is relevant regarding Community Issues
June Sakamoto	Testimony is relevant regarding Community Issues
David Camacho	Testimony is relevant regarding Community Issues
Jan Yokota	Testimony is relevant regarding Community Issues
Glenn Tada	Testimony is relevant regarding Community Issues
Ming Peng	Testimony is relevant regarding Community Issues
Jan Yokoyama	Testimony is relevant regarding Community Issues
Jason Phillip Turner	Testimony is relevant regarding Community Issues
Jennifer Sims Turner	Testimony is relevant regarding Community Issues

I request to have my staff pick up subpoena and subpoena duces tecum when they are ready and asked that you please call my office at 933-1919 or contact me via email at ted@tedhonglaw.com when it is ready.

Sincerely,



TED H.S. HONG, Esq.

Attorney for Applicant Community Based Education
Support Services

SANDRA PECHTER SONG
ATTORNEY AT LAW

10 Kamehameha Avenue
Hilo, Hawaii 96720
Telephone: (808) 933-9212
Fax: (808) 935-4853

LETTER OF TRANSMITTAL

To: Ted H.S. Hong, Esq.
P. O. Box 4217
Hilo, Hawaii 96720

Date: October 8, 2013

From: Sandra Song

**Re: Connections New Century Public Charter School - Contested Case Hearing
Special Permit Application No. 12-000138**

We are sending you (X) attached () under separate cover the following items:

- Twenty-two signed original subpoenas/subpoenas duces tecum with Return of Service, Acknowledgement of Service attached to each

[] For your information/file

[] For review and comment

[] For your reference

[] For signature in black ink and
forwarding as noted below

[] For filing or recording

[] SEE REMARKS BELOW

[] For payment

[] For signature in black ink and return

[X] Per your request

[] Per our conversation

[] For your approval

[X] For necessary action

REMARKS:

Ted H.S. Hong
Attorney at Law

Employment, Workplace Law & Litigation

Sue Lee Loy
Planner and Legal Assistant

October 14, 2013

Hearing Office Sandy Song
VIA EMAIL
10 Kamehameha Avenue
Hilo, Hawaii 96720

RE: REQUEST TO ALLOW A WITNESS TO APPEAR BY TELEPHONE
In the Matter of Connections New Century Public Charter School and Community
Based Education Support Services
Application for Special Permit Application No. 12-000138
TMK: (3)2-5-006:141

Dear Hearing Office Song:

Pursuant to Rule 4-16 of the Planning Commission Rules of Practice and Procedure this written request is made to allow for a Witness to Appear by Telephone. The Applicant, Community Based Education Support Services would like enter testimony from Phillip Rowell, Traffic Engineer and Immediate Past Planning Director Bobby-Jean Leithead-Todd.

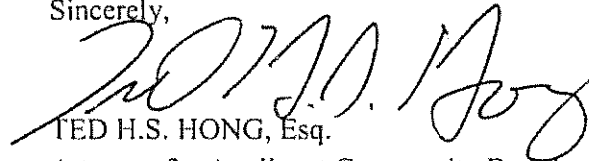
Mr. Rowell, would provide technical information and the analysis used during the preparation of the Traffic Impact Analysis Report (TIAR) for the project and the conclusion therein. Unfortunately, we were informed this afternoon that Mr. Rowell is scheduled to appear before the State Land Use Commission on Maui. Based on the various flight times available between Hilo, Honolulu and Maui he is unable to physically be at both hearings. Mr. Rowell is highly relevant and will provide material and relevant testimony related to the conclusion to the TIAR.

On October 9, 2013, Past Planning Director Bobby-Jean Leithead-Todd was served a Subpoena. A copy of the Return of Service; Acknowledgement of Service is attached hereto as Exhibit A. Later that day, Mr. Leithead-Todd contacted me to inform me that she will be out of state during the week of October 21, 2013. Mrs. Leithead-Todd will provide material and relevant testimony related to the Project Background Report, Recommendations and Conditions of Approval (See Record at Page 419 to 787 and 881 to 896).

This request is permitted and allowed pursuant to Rule 4-16 of the Planning Commission Rules of Practice and Procedure. This request is timely pursuant to Rule 14-16(a) "*Written request shall be made at least ten (10) days prior to the hearing.*"

In the alternative, on behalf of the Applicant, I request an additional date and time of 3 hours to be limited to allow testimony from Mr. Rowell and Mrs. Leithead-Todd.

Sincerely,



TED H.S. HONG, Esq.

Attorney for Applicant Community Based
Education Support Services

Ted H.S. Hong
Attorney at Law

Employment, Workplace Law & Litigation

Sue Lee Loy
Planner and Legal Assistant

October 14, 2013

Hearing Office Sandy Song
VIA EMAIL
10 Kamehameha Avenue
Hilo, Hawaii 96720

RE: ADDITIONAL INFORMATION
Request to Allow Witness to Appear by Telephone
In the Matter of Connections New Century Public Charter School and Community
Based Education Support Services
Application for Special Permit Application No. 12-000138
TMK: (3)2-5-006:141

Dear Hearing Office Song:

Allow this letter to update you on my previous request and respectfully propose all parties begin to look for an additional hearing date, which shall be limited to three (3) hours, during the week of November 11 to 15 or November 18 to 22.

Today, October 15, 2013, I had a teleconference with Mr. Phillip Rowell and believe Mr. Rowell will provide highly relevant and compelling testimony and he is available to testify during the weeks identified above.

As I reported yesterday, Ms. Leithead-Todd is unavailable. Based on the critical information that Mr. Rowell and Ms Leithead-Todd will provide, I respectfully request an additional hearing date between November 11, 2013 and November 22, 2013.

Sincerely,


TED H.S. HONG, Esq.
Attorney for Applicant Community Based
Education Support Services

TED H. S. HONG, ESQ.

Attorney at Law
P. O. Box 4217
Hilo, Hawaii 96720-0217
(808) 933-1919 office/fax
ted@tedhonglaw.com

TO: Sandra P. Song, Esq.
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

FROM: **Ted H. S. Hong, Esq.**

DATE: October 15, 2013

RE: CONTESTED CASE - SPECIAL PERMIT NO 12-000138

Enclosed, please find the following:

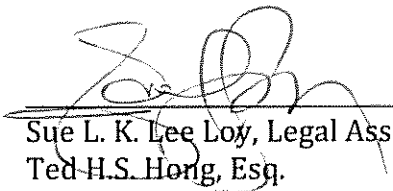
<u>Original:</u>	<u>Dated:</u>	<u>Description:</u>
1		Subpoena (Notice to Appear) RON THEIL (his name was misspelled on the prior Subpoena)
1		Subpoena (Notice to Appear) CUSTODIAN OF RECORDS COUNTY OF HAWAII REAL PROPERTY
1		Subpoena Duces Tecum CUSTODIAN OF RECORDS COUNTY OF HAWAII REAL PROPERTY

For your information
 Per your request
 For review & comment
 Per our conversation
 For necessary action

For signature and return
INK
 For distribution
 For recording/filing
 Other:

COMMENTS:

Please sign and contact our office so we may conduct service



Sue L. K. Lee Loy, Legal Assistant
Ted H.S. Hong, Esq.

TED H. S. HONG, ESQ.

Attorney at Law
P. O. Box 4217
Hilo, Hawaii 96720-0217
(808) 933-1919 office/fax
ted@tedhonglaw.com

TO: Sandra P. Song, Esq.
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

FROM: **Ted H. S. Hong, Esq.**

DATE: October 15, 2013

RE: CONTESTED CASE – SPECIAL PERMIT NO 12-000138

Enclosed, please find the following:

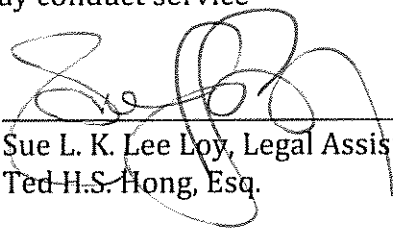
<u>Original:</u>	<u>Dated:</u>	<u>Description:</u>
14		Return of Service; Acknowledgement of Service Allen Novak; Terence Yoshioka; Terence Yoshioka (SDT); Jan Yokoyama; BJ Leithead-Todd; Kurt Inaba; Ron Thiel; Duane Kanuha; Glen Tada; June Sakamoto; Ming Peng; Jan Yokota; Jan Yokota for Melvin Yokota; Jan Yokota for Melvin Yokota (SDT)

For your information
 Per your request
 For review & comment
 Per our conversation
 For necessary action

For signature and return
INK
 For distribution
 For recording/filing
 Other:

COMMENTS:

Please sign and contact our office so we may conduct service



Sue L. K. Lee Loy, Legal Assistant
Ted H.S. Hong, Esq.

TED H. S. HONG, ESQ.

Attorney at Law
P. O. Box 4217
Hilo, Hawaii 96720-0217
(808) 933-1919 office/fax
ted@tedhonglaw.com

TO: Sandra P. Song, Esq. Daryn Arai, Planning Commission Staff
Hearings Officer Jeff Darrow, Planning Commission Staff
10 Kamehameha Avenue County of Hawaii Planning Department
Hilo, Hawaii 96720 101 Aupuni Street, Suite 3
Hilo, Hawaii 96720

Carter K. Siu, Esq. Jeff Gomes
Deputy Attorney General 281 Edita Street
235 S. Beretania Street, Room 304 Hilo, Hawaii 96720
Honolulu, Hawaii 96813

Amy Self, Esq.
Deputy Corporation Counsel
333 Kilauea Avenue
Hilo, Hawaii 96720

FROM: **Ted H. S. Hong, Esq.**

DATE: October 15, 2013

RE: CONTESTED CASE – SPECIAL PERMIT NO 12-000138

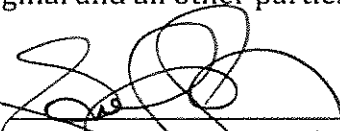
Enclosed, please find the following:

<u>Original:</u>	<u>Dated:</u>	<u>Description:</u>
1		Joint Submission of First Amended Witness List

<input checked="" type="checkbox"/> For your information	<input type="checkbox"/> For signature and return
<input type="checkbox"/> Per your request	<input type="checkbox"/> <u>INK</u>
<input type="checkbox"/> For review & comment	<input type="checkbox"/> For distribution
<input type="checkbox"/> Per our conversation	<input type="checkbox"/> For recording/filing
<input type="checkbox"/> For necessary action	<input type="checkbox"/> Other:

COMMENTS:

Please find enclosed our Joint Submission of First Amended Witness List. Kindly note, the Hearing Officer has been provided the Original and all other parties have been provided copies.



Sue L. K. Lee/Loy, Legal Assistant
Ted H.S. Hong, Esq.

TED H. S. HONG, ESQ.

Attorney at Law
P. O. Box 4217
Hilo, Hawaii 96720-0217
(808) 933-1919 office/fax
ted@tedhonglaw.com

TO: Sandra P. Song, Esq.
 Hearings Officer
 10 Kamehameha Avenue
 Hilo, Hawaii 96720

 Daryn Arai, Planning Commission Staff
 Jeff Darrow, Planning Commission Staff
 County of Hawaii Planning Department
 101 Aupuni Street, Suite 3
 Hilo, Hawaii 96720

 Carter K. Siu, Esq.
 Deputy Attorney General
 235 S. Beretania Street, Room 304
 Honolulu, Hawaii 96813

 Jeff Gomes
 281 Edita Street
 Hilo, Hawaii 96720

 Amy Self, Esq.
 Deputy Corporation Counsel
 333 Kilauea Avenue
 Hilo, Hawaii 96720

FROM: **Ted H. S. Hong, Esq.**

DATE: October 15, 2013

RE: CONTESTED CASE – SPECIAL PERMIT NO 12-000138

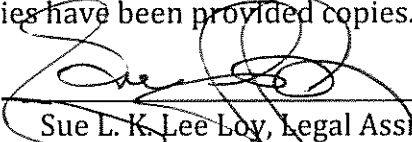
Enclosed, please find the following:

<u>Original:</u>	<u>Dated:</u>	<u>Description:</u>
1		Revised Exhibit A-20 (total of 3 pages)

<input checked="" type="checkbox"/> For your information	<input type="checkbox"/> For signature and return
<input type="checkbox"/> Per your request	<input type="checkbox"/> <u>INK</u>
<input type="checkbox"/> For review & comment	<input type="checkbox"/> For distribution
<input type="checkbox"/> Per our conversation	<input type="checkbox"/> For recording/filing
<input type="checkbox"/> For necessary action	<input type="checkbox"/> Other:

COMMENTS:

Please find enclosed our Revised Exhibit A-20. Kindly note, the Hearing Officer has been provided the Original and all other parties have been provided copies.



Sue L. K. Lee Loy, Legal Assistant
Ted H.S. Hong, Esq.

TED H. S. HONG, ESQ.

Attorney at Law
P. O. Box 4217
Hilo, Hawaii 96720-0217
(808) 933-1919 office/fax
ted@tedhonglaw.com

TO: Sandra P. Song, Esq.
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

Daryn Arai, Planning Commission Staff
Jeff Darrow, Planning Commission Staff
County of Hawaii Planning Department
101 Aupuni Street, Suite 3
Hilo, Hawaii 96720

Carter K. Siu, Esq.
Deputy Attorney General
235 S. Beretania Street, Room 304
Honolulu, Hawaii 96813

Jeff Gomes
281 Edita Street
Hilo, Hawaii 96720

Amy Self, Esq.
Deputy Corporation Counsel
333 Kilauea Avenue
Hilo, Hawaii 96720

FROM: **Ted H. S. Hong, Esq.**

DATE: October 17, 2013

RE: CONTESTED CASE - SPECIAL PERMIT NO 12-000138

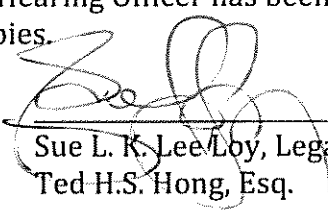
Enclosed, please find the following:

<u>Original:</u>	<u>Dated:</u>	<u>Description:</u>
1		Applicants Connection New Century Public Charter School and Community Based Education Support Services (CBESS) Joint Pre-Hearing Brief; Certificate of Service

- | | |
|---|--|
| <input checked="" type="checkbox"/> For your information | <input type="checkbox"/> For signature and return |
| <input type="checkbox"/> Per your request | <input type="checkbox"/> <u>INK</u> |
| <input type="checkbox"/> For review & comment | <input type="checkbox"/> For distribution |
| <input type="checkbox"/> Per our conversation | <input type="checkbox"/> For recording/filing |
| <input type="checkbox"/> For necessary action | <input type="checkbox"/> Other: |

COMMENTS:

Please find enclosed Applicants Connections and CBESS Joint Pre-Hearing Brief in the above entitled matter. Kindly note, the Hearing Officer has been provided the Original and all other parties have been provided copies.



Sue L. K. Lee-Loy, Legal Assistant
Ted H.S. Hong, Esq.

TED H. S. HONG, ESQ.

Attorney at Law
P. O. Box 4217
Hilo, Hawaii 96720-0217
Telephone (808) 933-1919
Facsimile (808) 935-8281
Ted@Tedhonglaw.com

TO: SANDRA P. SONG, ESQ. (sandrasong@hawaiiantel.net)
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

CARTER K. SIU, ESQ. (Carter.K.Siu@hawaii.gov)
Deputy Attorney General
Attorney for Applicant Connections New Century Public Charter School
235 S. Beretania Street, Room 304
Honolulu, Hawaii 96813

AMY SELF, ESQ. (aself@co.hawaii.hi.us)
Deputy Corporation Counsel
Attorney for the County of Hawaii Planning Director
333 Kilauea Avenue
Hilo, Hawaii 96720

JEFF GOMES (kalanigomes@hawaiiantel.net)
Intervenor
281 Edita Street
Hilo, Hawaii 96720

DARYN ARAI (darai@co.hawaii.hi.us)
JEFF DARROW (jdarrow@co.hawaii.hi.us)
Planning Commission Staff
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

FROM: Ted H. S. Hong, Esq.

DATE: November 8, 2013

RE: Connection New Century Public Charter School and Community Based Education
Support Services; SPP No. 12-000138

Enclosed, please find the following:

Qty.	Date:	Description
1	11/08/2013	Errata to Applicants Connection New Century Public Charter School and Community Based Education Support Services (CBESS) Joint Pre-Hearing Brief; Certificate of Service

- For your information
- Per your request
- For review & comment
- Per our conversation
- For necessary action

- For signature and return
- INK
- For distribution
- For recording/filing
- Other:

CLP

**ISLAND COURT REPORTING &
TRANSCRIPTION SERVICES**

*Hilo Lagoon Centre
101 Aupuni Street, Suite 109
Hilo, Hawaii 96720
Phone: (808)933-9800
Fax: (808)933-9803*

TRANSMITTAL LETTER

DATE: November 1, 2013

TO: Sandra Song, Esq.
10 Kamehameha Avenue
Hilo, Hawaii 96720

FROM: Cindy M. Nakamoto

Re: In the Matter of Connection New Century Public Charger School
SPP-12-000138

Please find enclosed the following:

1. Transcript of Proceedings, Vol. I taken on 10-21-2013 (original);
2. Transcript of Proceedings, Vol. II taken on 10-22-2013 (original).

TRANSMITTED FOR:

<input checked="" type="checkbox"/> Your information and files	<input checked="" type="checkbox"/> Per your request
<input type="checkbox"/> Signature and return	<input type="checkbox"/> Per our conversation
<input type="checkbox"/> Signature and forwarding as noted below	<input type="checkbox"/> Payment
<input type="checkbox"/> Review and document	<input type="checkbox"/> Filing/Recordation
	<input type="checkbox"/> Your further action

Comments: If you have any questions, please call our office immediately.
Thank you.

**ISLAND COURT REPORTING &
TRANSCRIPTION SERVICES**

*Hilo Lagoon Centre
101 Aupuni Street, Suite 109
Hilo, Hawaii 96720
Phone: (808)933-9800
Fax: (808)933-9803*

TRANSMITTAL LETTER

DATE: November 19, 2013

TO: Sandra Song, Esq.
10 Kamehameha Avenue
Hilo, Hawaii 96720

FROM: Cindy M. Nakamoto

Re: In the Matter of Connection New Century Public Charter School
SPP-12-000138

Please find enclosed the following:

1. Transcript of Proceedings, Vol. III taken on 11/12/13 (original).

TRANSMITTED FOR:

<input checked="" type="checkbox"/> Your information and files	<input checked="" type="checkbox"/> Per your request
<input type="checkbox"/> Signature and return	<input type="checkbox"/> Per our conversation
<input type="checkbox"/> Signature and forwarding as noted below	<input type="checkbox"/> Payment
<input type="checkbox"/> Review and document	<input type="checkbox"/> Filing/Recordation
	<input type="checkbox"/> Your further action

Comments: If you have any questions, please call our office immediately.
Thank you.

**ISLAND COURT REPORTING &
TRANSCRIPTION SERVICES**

*Hilo Lagoon Centre
101 Aupuni Street, Suite 109
Hilo, Hawaii 96720
Phone: (808)933-9800
Fax: (808)933-9803*

TRANSMITTAL LETTER

DATE: January 14, 2014

TO: Sandra Song, Esq.
10 Kamehameha Avenue
Hilo, Hawaii 96720

FROM: Cindy M. Nakamoto

Re: In the Matter of Connection New Century Public Charter School
SPP 12-000138

Please find enclosed the following:

1. Transcript of Proceedings, Vol. IV taken on 1/8/14 (original).

TRANSMITTED FOR:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Your information and files | <input checked="" type="checkbox"/> Per your request |
| <input type="checkbox"/> Signature and return | <input type="checkbox"/> Per our conversation |
| <input type="checkbox"/> Signature and forwarding as
noted below | <input type="checkbox"/> Payment |
| <input type="checkbox"/> Review and document | <input type="checkbox"/> Filing/Recordation |
| | <input type="checkbox"/> Your further action |

Comments: If you have any questions, please call our office immediately. Thank you.

**ISLAND COURT REPORTING &
TRANSCRIPTION SERVICES**

*Hilo Lagoon Centre
101 Aupuni Street, Suite 109
Hilo, Hawaii 96720
Phone: (808)933-9800
Fax: (808)933-9803*

TRANSMITTAL LETTER

DATE: February 5, 2014

TO: Sandra Song, Esq.
10 Kamehameha Avenue
Hilo, Hawaii 96720

FROM: Cindy M. Nakamoto

Re: In the Matter of Connection New Century Public Charter School
SPP-12-000138

Please find enclosed the following:

1. Transcript of Proceedings, Vol. V, taken on 1/22/14 (original).

TRANSMITTED FOR:

<input checked="" type="checkbox"/> Your information and files	<input checked="" type="checkbox"/> Per your request
<input type="checkbox"/> Signature and return	<input type="checkbox"/> Per our conversation
<input type="checkbox"/> Signature and forwarding as noted below	<input type="checkbox"/> Payment
<input type="checkbox"/> Review and document	<input type="checkbox"/> Filing/Recordation
	<input type="checkbox"/> Your further action

Comments: If you have any questions, please feel free to contact this office.

SANDRA PECHTER SONG
ATTORNEY AT LAW

10 Kamehameha Avenue
Hilo, Hawaii 96720
Telephone: (808) 933-9212
Fax: (808) 935-4853

LETTER OF TRANSMITTAL

To: Daryn Arai
Jeffrey Darrow
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Date: April 7, 2014

From: Sandra Song

Re: In the Matter of Connections New Century Public Charter School and Community Based Education Support Services
SPP No. 12-000138

We are sending you (X) attached () under separate cover the following items:

- Two copies of Hearing Officer's Report; Certificate of Service, dated April 7, 2014

- | | |
|---|--|
| <input checked="" type="checkbox"/> For your information/file | <input type="checkbox"/> For payment |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> For signature in black ink and return |
| <input type="checkbox"/> For your reference | <input type="checkbox"/> Per your request |
| <input type="checkbox"/> For signature in black ink and forwarding as noted below | <input type="checkbox"/> Per our conversation |
| <input type="checkbox"/> For filing or recording | <input type="checkbox"/> For your approval |
| <input type="checkbox"/> SEE REMARKS BELOW | <input type="checkbox"/> For necessary action |

REMARKS:

SANDRA PECHTER SONG

ATTORNEY AT LAW

10 Kamehameha Avenue
Hilo, Hawaii 96720
Telephone: (808) 933-9212
Fax: (808) 935-4853

LETTER OF TRANSMITTAL

To: Jeffrey K. Gomes
281 Edita Street
Hilo, Hawaii 96720

Date: April 7, 2014

From: Sandra Song

**Re: In the Matter of Connections New Century Public Charter School and Community Based
Education Support Services**
SPP No. 12-000138

We are sending you (X) attached () under separate cover the following items:

- Hearing Officer's Report; Certificate of Service, dated April 7, 2014

For your information/file
 For review and comment
 For your reference
 For signature in black ink and
forwarding as noted below
 For filing or recording
 SEE REMARKS BELOW

For payment
 For signature in black ink and return
 Per your request
 Per our conversation
 For your approval
 For necessary action

REMARKS:

SANDRA PECHTER SONG
ATTORNEY AT LAW

10 Kamehameha Avenue
Hilo, Hawaii 96720
Telephone: (808) 933-9212
Fax: (808) 935-4853

LETTER OF TRANSMITTAL

To: Amy G. Self, Esq
Deputy Corporation Counsel
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

Date: April 7, 2014

From: Sandra Song

**Re: In the Matter of Connections New Century Public Charter School and Community Based
Education Support Services
SPP No. 12-000138**

We are sending you () attached () under separate cover the following items:

- Hearing Officer's Report; Certificate of Service, dated April 7, 2014

- | | |
|---|--|
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| <input type="checkbox"/> SEE REMARKS BELOW | <input type="checkbox"/> For necessary action |

REMARKS:

SANDRA PECHTER SONG
ATTORNEY AT LAW

10 Kamehameha Avenue
Hilo, Hawaii 96720
Telephone: (808) 933-9212
Fax: (808) 935-4853

LETTER OF TRANSMITTAL

To: Carter K. Siu, Esq
Deputy Attorney General
State of Hawaii
235 South Beretania Street, Room 304
Honolulu, Hawaii 96813

Date: April 7, 2014

From: Sandra Song

Re: In the Matter of Connections New Century Public Charter School and Community Based
Education Support Services
SPP No. 12-000138

We are sending you (X) attached () under separate cover the following items:

- Hearing Officer's Report; Certificate of Service, dated April 7, 2014

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<input type="checkbox"/> For signature in black ink and forwarding as noted below	<input type="checkbox"/> Per our conversation
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<input type="checkbox"/> SEE REMARKS BELOW	<input type="checkbox"/> For necessary action

REMARKS:

SANDRA PECHTER SONG
ATTORNEY AT LAW

10 Kamehameha Avenue
Hilo, Hawaii 96720
Telephone: (808) 933-9212
Fax: (808) 935-4853

LETTER OF TRANSMITTAL

To: Ted H.S. Hong, Esq
P. O. Box 4217
Hilo, Hawaii 96720

Date: April 7, 2014

From: Sandra Song

Re: In the Matter of Connections New Century Public Charter School and Community Based Education Support Services
SPP No. 12-000138

We are sending you (X) attached () under separate cover the following items:

- Hearing Officer's Report; Certificate of Service, dated April 7, 2014

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<input type="checkbox"/> For filing or recording	<input type="checkbox"/> For your approval
<input type="checkbox"/> SEE REMARKS BELOW	<input type="checkbox"/> For necessary action

REMARKS:

Dixie Kaetsu

From: Dixie Kaetsu [dixiekaetsu@hawaiiantel.net]
Sent: Monday, April 07, 2014 1:46 PM
To: 'ted@tedhonglaw.com'; 'Carter.K.Siu@hawaii.gov'; 'Amy Self';
Kalani 'kenanigomes@hawaiiantel.net'; 'darai@co.hawaii.hi.us'; 'jdarrow@co.hawaii.hi.us'
Subject: SPP No. 12-000138; Hearing Officer's Report; Certificate of Service (Connections New
Century Public Charter School & Community Based Education Support Services
Attachments: Connections 002.pdf

Aloha,

Attached is the Hearing Officer's Report on SPP No. 12-000138. A hard copy will be mailed to you.

Dixie Kaetsu
Legal Assistant to Sandra Pechter Song
10 Kamehameha Avenue
Hilo, Hawaii 96720
(808) 933-9212