

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322  
New State Building  
1151 Punchbowl Street  
Honolulu, Hawaii

APPROVED  
4/5/77

January 7, 1977 - 11:00 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman  
Stanley Sakahashi, Vice Chairman  
James Carras  
Charles Duke  
Shinsei Miyasato  
Carol Whitesell

COMMISSIONERS ABSENT: Colette Machado  
Mitsuo Oura  
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer  
Michael Marsh, Deputy Attorney General  
Dora Horikawa, Clerk Reporter  
  
Ray Russell, Court Reporter

ACTION OF VARIOUS MOTIONS (cont.) - A76-418 - MOANA CORPORATION

The Chairman called the meeting to order.

Mr. Hong submitted a financial statement of the Moana Corporation, as represented during yesterday's meeting, and advised that he had served the necessary copies to all parties.

2. Petition for Intervention by Walter Chang, et al (cont.)

Chairman Tangen reopened the discussion on the Petition for Intervention.

For the record, Miss Tico stated that she will be representing all of the respondent-intervenors listed in the petition, including the Ohana 'O Maha'Ulepu. She noted, however, that Mr. David Chang will also be speaking on his own behalf.

It was moved by Commissioner Duke and seconded by Commissioner Whitesell to admit as parties all of the respondent-intervenors named in the Petition for Intervention, except Ohana 'O Maha'Ulepu, with the understanding that Miss Tico will represent all of them, conduct the direct and cross examinations, and that service will be upon Miss Tico. Miss Tico was advised that Mr. Chang would not be considered as an intervenor to conduct his own case but will be

allowed to speak on his own behalf.

The motion was carried with the following votes:

Ayes: Commissioners Carras, Duke, Whitesell, Sakahashi, Miyasato, Chairman Tangen.

On the matter of the Ohana 'O Maha'Ulepu's request to be admitted as a party, Chairman Tangen felt that the interests of the group were adequately protected inasmuch as several persons named in the Petition to Intervene were members of the Ohana 'O Maha'Ulepu. Therefore, it was his recommendation that Napua Emery be admitted as a witness to the proceeding, representing the Ohana 'O Maha'Ulepu.

Commissioner Duke moved to admit Napua Emery as a witness. The motion was seconded by Vice Chairman Sakahashi and carried with the following votes:

Ayes: Commissioners Duke, Miyasato, Carras, Sakahashi, Chairman Tangen

Nay: Commissioner Whitesell

Commissioner Whitesell moved that Ohana 'O Maha'Ulepu be admitted as a party, along with the other intervenors. The motion was seconded by Commissioner Duke, and defeated as follows:

Ayes: Commissioner Whitesell

Nays: Commissioner Sakahashi, Duke, Carras, Miyasato, Chairman Tangen

3. Petition for Declaratory Order to Dismiss the Petition of Moana Corporation

Commissioner Duke moved to waive, for good cause, the filing of the financial statement with the petition by Moana Corporation as required under the Commission's Rules. For the record, it was noted that the financial statement was subsequently filed with the Commission. Vice Chairman Sakahashi seconded the motion and it was carried with the following votes:

Ayes: Commissioners Duke, Carras, Sakahashi, Whitesell, Miyasato, Chairman Tangen

It was moved by Commissioner Duke that the Declaratory Order to Dismiss the Petition of Moana Corporation be denied. The motion was seconded by Vice Chairman Sakahashi and carried as follows:

Ayes: Commissioners Duke, Whitesell, Miyasato, Sakahashi, Carras, Chairman Tangen

4. Request for Issuance of Subpoena Duces Tecum

Vice Chairman Sakahashi moved to deny the request, which was seconded by Commissioner Duke. The votes were recorded as follows:

Ayes: Commissioners Sakahashi, Miyasato, Carras, Duke, Whitesell, Chairman Tangen

5. Motion for Postponement of Hearing and Rescheduling Time of Hearing to a Weeknight

Upon motion by Commissioner Duke, seconded by Commissioner Carras, the Motion for Postponement of Hearing, etc. was denied with the following votes:

Ayes: Commissioners Carras, Sakahashi, Duke, Miyasato, Chairman Tangen

Nay: Commissioner Whitesell

The meeting was adjourned at 1:05 p.m.