

LINDA LINGLE
BENJAMIN J. CAYETANO
GOVERNOR



ANTHONY J.H. CHING
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

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April 3, 2003

R. Ben Tsukazaki, Esq.
Tsukazaki, Yeh, and Moore
85 W. Lanikaula Street
Hilo, Hawaii 96720

Dear Mr. Tsukazaki:

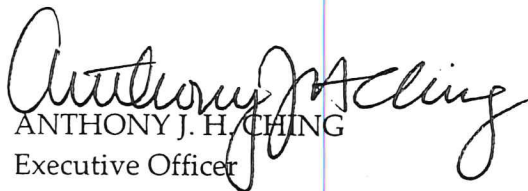
Subject: LUC Docket No. DR03-29 Doutor Coffee Hawaii Co., Inc.

This is to inform you that on March 6, 2003, the State Land Use Commission ("LUC" or "Commission") refused to issue a declaratory ruling for the subject docket for good cause as provided under §15-15-102. Accordingly, the Commission's files will be closed on this docket.

After consulting with its counsel in executive session, hearing presentations given by the Petitioner and public witnesses and conducting its deliberations, the Commission believed that there was not enough of a factual record before it to render a decision. The Commission also recognized that the County of Hawaii had yet to act upon a special permit application involving this Petitioner in the subject docket, and that the Hawaii State Legislature was currently considering enactment of legislation involving the issues brought forth in your client's petition. Based upon the foregoing reasons, a motion to refuse to issue a declaratory order for good cause was made and seconded. With a vote of seven ayes and no nays, the motion passed.

Should you require clarification or further assistance in this matter, please contact Russell Kumabe of my staff at 587-3822.

Sincerely,


ANTHONY J. H. CHING
Executive Officer