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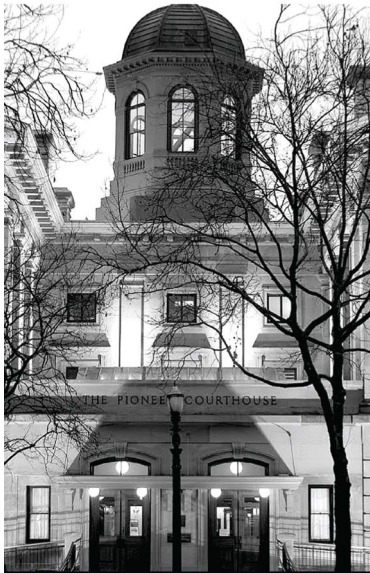
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STATE OF HAWAII  
LAND USE COMMISSION

Hearing held on October 21, 2021  
Commencing at 9:00 a.m.

Held via Zoom by Interactive Conference Technology

I. CALL TO ORDER

II. ADOPTION OF MINUTES

IIIIII. TENTATIVE MEETING SCHEDULE

IV. EXECUTIVE SESSION

Pursuant to HRS Section 92-5(a)(2) to consider Attorney General's confidential response to LUC inquiry regarding legal matters related to City and County of Honolulu recommendations for the designation of Important Agricultural Lands on the Island of Oahu complies with the requirements of Sections 205-47, 205-48, and 205-49, Hawaii Revised Statutes and whether the proper procedural, legal, statutory, and public notice requirements were met in developing the recommendations.

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.

VII. ADJOURNMENT



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**COMMISSIONERS APPEARANCES BY VIDEOCONFERENCE**

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**BEFORE :**

- Jonathan Scheuer (Chair) (Oahu)
- Nancy Cabral, Vice Chair (Big Island)
- Gary Okuda (Oahu)
- Arnold Wong (Oahu)
- Dawn N.S. Chang (Oahu)
- Daniel Giovanni (Kauai)
- Lee Ohigashi (Maui)
- Edmund Aczon (Oahu)

**STAFF PRESENT BY VIDEOCONFERENCE :**

- Dan Morris, Esq. Deputy Attorney General
- Daniel Orodener, Executive Officer
- Riley Hakoda, Chief Clerk
- Scott Derrickson, Chief Planner
- Natasha Quinones, Program Specialist

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**STATE OF HAWAII**  
**LAND USE COMMISSION**  
**REMOTE VIDEOCONFERENCE**  
**HEARING HELD ON**  
**OCTOBER 21, 2021**  
**COMMENCING AT**  
**9:00 a.m.**

**CHAIR SCHEUER:** Aloha kakou. Good morning. This is the October 21st, 2021, Land Use Commission meeting, and it is being held using interactive conference technology linking video conference participants and other interested individuals of the public via the Zoom webinar platform. We're doing this, of course, to comply with still ongoing State and County official operational directives during the COVID-19 pandemic.

Members of the public are able to view the meeting via the Zoom webinar platform. We have moved to creating transcripts from the Zoom recording of our meetings so because of that, full meeting participants, I would like to stress to everyone the importance of speaking slowly, clearly, and directly into your microphone and it also greatly assists if you state your name before

1 speaking.

2           Also, as you should have heard when you  
3 clicked to join the meeting, please be aware that  
4 all meetings participants are being recorded on the  
5 digital recording of this Zoom meeting. Your  
6 continued participation is your complied consent to  
7 be part of the record of this event.

8           This technology, of course, allows the  
9 parties and each participating commissioner  
10 individual remote access to the meeting proceedings  
11 via our own personal digital devices.

12           Because of that, due to matters that may  
13 be entirely outside our control, occasional  
14 disruptions to connectivity may occur. If this does  
15 occur, please let us know and please be patient as  
16 we try to resume audio/visual signals so we can  
17 continue to conduct business.

18           For any members of the public who may wish  
19 to testify on any of the matters before us,  
20 testimony will be narrowly accepted on the agenda  
21 item at hand. If you are calling in by phone, you  
22 can use the key sequence star nine to virtually  
23 raise your hand. Otherwise, if you're calling in or  
24 joining the meeting via Zoom software, then you can  
25 use the raise-your-hand function.

1 For all participants, I will let you know,  
2 we will take breaks from time to time, approximately  
3 ten minutes every hour. My name is Jonathan Likeke  
4 Scheuer, and I currently have the pleasure and honor  
5 of serving as the Land Use Commission Chair.

6 We currently have eight seated  
7 commissioners of a possible nine. Along with me are  
8 Commissioner Ed Aczon, Commissioner Dawn Chang,  
9 Commissioner Arnold Wong, Commissioner Gary Okuda,  
10 and our LUC staff including our executive officer  
11 Daniel Orodener, our chief planner Scott  
12 Derrickson, our planner Riley Hakoda, our chief  
13 clerk Natasha Quinones, and our Deputy AG Dan Morris  
14 are all on the island of Oahu. Commissioner Nancy  
15 Cabral is on Hawaii Island. Commissioner Lee  
16 Ohigashi is holding it up on Maui. And Vice-Chair  
17 and Commissioner Giovanni is on Kauai.

18 I will note that for today, Commissioners  
19 Chang and Aczon will leave the meeting at 1:00 p.m.  
20 and we are hopeful to actually have concluded our  
21 business by then.

22 Commissioner Okuda has recused himself  
23 from the meeting portion of agenda Item IV, the  
24 matters related to important agricultural lands  
25 measure from the City and County of Honolulu.

1 With all of that said, our first order of  
2 business are the adoption of the minutes for  
3 September 8th and 9, 2021 and September 23rd, 2021.

4 Ms. Quinones, in addition to testimony  
5 from Mr. Church regarding the September 8th and 9th  
6 minutes, has anybody submitted written testimony?  
7 You were muted.

8 **MS. QUINONES:** No, sir. No other  
9 testimony was received.

10 **CHAIR SCHEUER:** Okay. Are there any  
11 members of the public who wish to provide oral  
12 testimony on the adoption of the minutes? If so,  
13 use the raise-your-hand function. If you're calling  
14 in by phone, use the key sequence star nine. This  
15 is adoption of the minutes for September 8th and  
16 9th, to be very clear.

17 I recognize -- okay. Hand went down. So  
18 anybody regarding adoption of the minutes for  
19 September 8th and 9th or September 23rd?

20 Seeing none, noting that written testimony  
21 of Mr. Church, Commissioners, are there any  
22 corrections or comments on the adoption of either  
23 set of minutes? (Inaudible) members is there a  
24 motion to approve? Commissioner Cabral.

25 **COMMISSIONER CABRAL:** I make a motion to

1 approve all sets of minutes as presented.

2 **CHAIR SCHEUER:** Second? Commissioner  
3 Wong.

4 **COMMISSIONER WONG:** Chair, this is  
5 Commissioner Wong. I second.

6 **CHAIR SCHEUER:** Thank you. Any further  
7 discussion? If not, Mr. Orodenger, would you please  
8 poll the commission.

9 **MR. ORODENKER:** Thank you, Mr. Chair. The  
10 motion is to approve all the minutes. Commissioner  
11 Cabral.

12 **COMMISSIONER CABRAL:** Yes.

13 **MR. ORODENKER:** Commissioner Wong.

14 **COMMISSIONER WONG:** Aye.

15 **MR. ORODENKER:** Commissioner Aczon.

16 **COMMISSIONER ACZON:** Aye.

17 **MR. ORODENKER:** Commissioner Chang.

18 **COMMISSIONER CHANG:** Aye.

19 **MR. ORODENKER:** Commissioner Giovanni.

20 **COMMISSIONER GIOVANNI:** Aye.

21 **MR. ORODENKER:** Commissioner Ohigashi.

22 **COMMISSIONER OHIGASHI:** Yes.

23 **MR. ORODENKER:** Commissioner Okuda.

24 **COMMISSIONER OKUDA:** Yes.

25 **MR. ORODENKER:** Chair Scheuer.

1           **CHAIR SCHEUER:** Aye.

2           **MR. ORODENKER:** Thank you, Mr. Chair. The  
3 motion passes unanimously.

4           **CHAIR SCHEUER:** Okay. Thank you, very  
5 much, for that, Mr. Orodenger. Our next agenda item  
6 is the tentative meeting schedule. Will you walk us  
7 through that, please.

8           **MR. ORODENKER:** Thank you, Mr. Chair.  
9 Tentative meeting schedule is a little bit  
10 (inaudible) for the next month or so given the  
11 holidays. On October 27th, we will be meeting with  
12 regard to Kihei High School matter.

13           **CHAIR SCHEUER:** I'm sorry. One moment,  
14 Dan. Would the other people in the same room with  
15 Dan stop shuffling papers because we're picking it  
16 up on the mic and it's hard to hear.

17           **MR. ORODENKER:** Okay. So on the 27th,  
18 we'll be meeting with regard to the Kihei High  
19 School matter. On November 10th, we will be taking  
20 up the Hokuao 201H project.

21           On November 23rd, we will be taking up --  
22 once again, our usual meeting day. That's a Tuesday  
23 -- we will be taking up the Hokuao 201H matter again  
24 and the potentially a presentation by the Office of  
25 Planning (inaudible) and development.



1 On December 8th, we will take up the  
2 Windward Hotel matter. We will also take up that  
3 matter on the 9th. On the 22nd of December, we will  
4 take up the Honolulu Hideaway matter. We'll also  
5 have that scheduled for the 23rd. That takes us  
6 through the end of the year.

7 Our January calendar is filling up and  
8 anticipate having full calendar in January; however,  
9 we don't have the specific items yet so that's why  
10 I'm not making that presentation at this time.

11 Before we go forward, I would like to make  
12 one announcement and that is that we are happy to  
13 announce that we have successfully filled our  
14 secretary's position after it being vacant for  
15 sometime and we are even happier to announce that  
16 the person that we hired is actually our attorney  
17 (inaudible). So she's going to start on November  
18 1st and we anticipate a seamless reentrance.

19 **CHAIR SCHEUER:** That is, indeed, good news  
20 for us, though, I question her judgment.

21 **MR. ORODENKER:** I do, too, but she  
22 insisted she did want to come back.

23 **CHAIR SCHEUER:** Commissioners, are there  
24 any questions regarding our meeting schedule? Okay.  
25 Seeing none. Our first agenda item is an executive

1 session.

2 Pursuant -- our next agenda item rather.  
3 The first substantive agenda item is an executive  
4 session pursuant to HRS Section 92-5(a) (2), to  
5 consider the Attorney General's confidential  
6 response to the LUC inquiry regarding legal matters  
7 related to the City and County of Honolulu's  
8 recommendations for the designation of important  
9 agricultural lands on the island of Oahu, whether it  
10 complies with the requirements of Sections 205-47,  
11 205-48 and 205-49 of the Hawaii Revised Statutes and  
12 whether the procedural, legal, statutory, and public  
13 notice requirements were met in developing the  
14 recommendations.

15 I'd like to note again for the record,  
16 Commissioner Okuda has recused himself from this  
17 matter. I note that the commission last heard this  
18 matter on May 26, 2021, via Zoom virtual conference  
19 technology. That meeting resulted in a stay in the  
20 proceeding until a formal published opinion was  
21 received from the Attorney General.

22 Since our last hearing on May 26, 2021,  
23 the commission has received an additional 49  
24 testimonies regarding individual properties and  
25 those testimonies are posted to our website.

1 On October 6th, the LUC mailed and e-  
2 mailed an agenda for an October 13th, 2021, meeting  
3 to the parties and to the statewide, county, and IAL  
4 mailing lists. On October 11th, however, we  
5 cancelled that meeting and a cancellation notice of  
6 that meeting was e-mailed to those parties, as well  
7 as to parties that had registered early for the  
8 meeting by Zoom. The cancellation notice was also  
9 posted on the Zoom registration page.

10 On October 12th, 2021, the LUC mailed and  
11 e-mailed the meeting agenda for today's meeting to  
12 the parties statewide, county, and IAL mailing  
13 lists.

14 So now, let me go over our procedures for  
15 today. First, I will recognize anybody who wishes  
16 to testify on this matter from the audience  
17 identifying the person who wants to testify. And  
18 let me be very clear about this: Testimony needs to  
19 specifically address the executive session that  
20 we're taking for this meeting. We will hold another  
21 hearing that will provide the opportunity for people  
22 to provide their testimony regarding individual  
23 properties.

24 After any public testimony, we will enter  
25 executive session. During the executive session, we

1 will leave this Zoom room open. The commissioners  
2 will leave, go to a separate Zoom meeting and then  
3 we will return to the meeting, and after we return  
4 to the meeting, we will inform the public on how the  
5 commission will proceed regarding the Attorney  
6 General's confidential response.

7           Commissioners, are there any questions for  
8 our proceedings today? Mr. Okuda.

9           **COMMISSIONER OKUDA:** Thank you, very much,  
10 Mr. Chair. Because I have recused myself on this  
11 matter, with the Chair's permission, I will be  
12 signing off of this Zoom meeting. I will be  
13 available and I will sign off to the separate Zoom  
14 meeting regarding the second executive session. So  
15 with your permission and if it's okay with you, I  
16 will sign off at this point.

17           **CHAIR SCHEUER:** Thank you, very much,  
18 Commissioner Okuda. Commissioner Cabral.

19           **COMMISSIONER CABRAL:** Thank you. Separate  
20 but somewhat related, I wanted to comment on your  
21 reading of all of the notifications that took place  
22 for today's hearing and I want to commend our staff  
23 for their clear information out to the public and  
24 all interested parties of the meeting we were going  
25 to have last week, the cancellation of such meeting,

1 the notification of the new meeting. I think that  
2 that's just a wonderful example of what proper  
3 notification should look like. Thank you to our  
4 staff.

5 **CHAIR SCHEUER:** Thank you, very much,  
6 Commissioner Cabral. With that, any further  
7 questions in our proceedings, Commissioners? If  
8 there's none, I will confirm with Mr. Hakoda or Ms.  
9 Quinones there has been no written testimony  
10 received regarding this agenda item; is that  
11 correct?

12 **MR. HAKODA:** That's correct, Mr. Chair.  
13 This is Riley.

14 **CHAIR SCHEUER:** Yeah, so I'm going to  
15 provide now, as we do on a whole of our agenda  
16 items, opportunities for members of the public to  
17 testify on this item. However, I will restate, we  
18 will provide another hearing where we would accept  
19 testimony regarding people's individual properties  
20 testimony.

21 If you wish to testify on this item, it  
22 should be confined to the agenda item, that is, the  
23 commission going into executive session to consult  
24 with their attorney.

25 Is there anybody who wishes to testify on

1 this matter? If so, use the raise-your-hand  
2 function in Zoom or the star nine sequence if you  
3 are calling in by phone. Okay. Seeing none, I will  
4 entertain a motion for executive session.

5 Commissioner Wong.

6 **COMMISSIONER WONG:** Chair, I move to move  
7 to executive session.

8 **CHAIR SCHEUER:** Okay. As stated on the  
9 agenda item?

10 **COMMISSIONER WONG:** As stated on the  
11 agenda item, yes.

12 **CHAIR SCHEUER:** Commissioner Cabral.

13 **COMMISSIONER CABRAL:** I will second that  
14 motion.

15 **CHAIR SCHEUER:** Okay. Any discussion on  
16 the motion? If not, all in favor say aye and raise  
17 your hand. Any opposed, say nay.

18 To the members of the public who have  
19 certainly a keen and definite interest in this item,  
20 I wish I could tell you definitively exactly how  
21 long it takes us to consult with our counsel but I  
22 cannot.

23 This meeting will remain open and the  
24 official open part of the meeting will be in recess.  
25 We will go into another Zoom meeting and when we are

1 done deliberating with and consulting with our  
2 counsel, we'll return to this meeting.

3 With that said, we are going into  
4 executive session. Commissioners, you have the link  
5 sent to you for the first executive session for  
6 today and you should go into that.

7 **(WHEREUPON, the meeting went into**  
8 **executive session from 9:15 a.m. to 11:17 a.m.)**

9 **CHAIR SCHEUER:** We're all here. We're  
10 going back on the record. The commission has left  
11 executive session with our counsel. Commissioners,  
12 what is your pleasure?

13 **UNKNOWN SPEAKER:** Chair, I have a question  
14 first.

15 **CHAIR SCHEUER:** Yes.

16 **UNKNOWN SPEAKER:** So if we make -- I guess  
17 this is regarding the AG's opinion. If it's  
18 published in entirety or in a portion, anyone can  
19 then do a statement on it, opine on it, or say they  
20 oppose it or, I mean, how is that set up after that?

21 **CHAIR SCHEUER:** So if the commission  
22 chooses to waive our attorney-client privilege in  
23 regards to the opinion we received from the Attorney  
24 General, our proceedings would then go back to where  
25 we were the last time, which was we're going to be

1 then making a formal deliberation on whether or not  
2 we believe the City has met their legal burdens, all  
3 of their legal burdens, in regards to the matter  
4 that's been brought before us on Oahu IAL.

5 At that time, we would again open up to  
6 the testimony of the public, including individual  
7 land owners, as well as the City and County and the  
8 Office of Planning because at that time if we make  
9 it public, we will post the opinion on the website  
10 and anybody could reference the opinion in agreeing  
11 with it or disagreeing with it.

12 **UNKNOWN SPEAKER:** Thank you, Chair.

13 **CHAIR SCHEUER:** Mr. Orodenger, I don't  
14 think I need to go through the procedures for formal  
15 deliberation the way we would in DBA; correct?

16 **MR. ORODENKER:** Actually, I believe that  
17 under the guidance (inaudible) they should be voice  
18 votes.

19 **CHAIR SCHEUER:** Do I need to confirm that  
20 everybody's familiar with the record and prepared to  
21 deliberate?

22 **MR. ORODENKER:** No.

23 **CHAIR SCHEUER:** Okay. Commissioner Chang.

24 **COMMISSIONER CHANG:** Thank you, Mr. Chair.  
25 In the absence of hearing from anyone, I would move



1 that the commission waive its attorney-client  
2 privilege with respect to the deputy -- with respect  
3 to the AG's letter to LUC and make it publicly  
4 available.

5 **CHAIR SCHEUER:** Okay. Commissioner  
6 Ohigashi, you raised your hand. Is that to make a  
7 second.

8 **MR. OHIGASHI:** Second.

9 **CHAIR SCHEUER:** Okay. The motion before  
10 us, Commissioners, is to waive our attorney-client  
11 privilege in regards to the communication, their  
12 opinion on this matter, and make it available. Is  
13 there any deliberation on the motion? Commissioner  
14 Giovanni.

15 **COMMISSIONER GIOVANNI:** I would support  
16 the motion. I think it's always in the best  
17 interest of our community if our community is fully  
18 informed of the matters and I believe in full  
19 transparency and I will support the motion.

20 **CHAIR SCHEUER:** Other deliberation,  
21 Commissioners? Seeing none, Mr. Orodenger, would  
22 you please poll the commission.

23 **MR. ORODENKER:** Thank you, Mr. Chair. The  
24 motion is to waive the attorney-client privilege and  
25 make the opinion of the Attorney General public.

1 Commissioner Chang.

2 **COMMISSIONER CHANG:** Aye.

3 **MR. ORODENKER:** Commissioner Ohigashi.

4 **COMMISSIONER OHIGASHI:** Yes.

5 **MR. ORODENKER:** Commissioner Okuda -- oh,  
6 he abstained. Commissioner Giovanni.

7 **COMMISSIONER GIOVANNI:** Aye.

8 **MR. ORODENKER:** Commissioner Cabral.

9 Commissioner Cabral, you're muted.

10 **CHAIR SCHEUER:** No, she's still  
11 (inaudible).

12 **COMMISSIONER CABRAL:** In support of the  
13 opinion of my fellow commissioners, I will say aye.

14 **MR. ORODENKER:** Commissioner Aczon.

15 **COMMISSIONER ACZON:** Yes.

16 **MR. ORODENKER:** Commissioner Wong.

17 **COMMISSIONER WONG:** Aye.

18 **MR. ORODENKER:** Chair Scheuer.

19 **CHAIR SCHEUER:** Aye.

20 **MR. ORODENKER:** Thank you, Mr. Chair. The  
21 motion passes unanimously.

22 **CHAIR SCHEUER:** Okay. So for the many  
23 interested folks, the LUC staff will post this  
24 opinion onto our website on the page, presumably,  
25 related to IAL.

1 Having gone through this, we will now go  
2 back to continue the substantive proceedings on this  
3 matter where the question before us again is  
4 essentially did the City and County of Honolulu meet  
5 the requirements necessary for us to accept and take  
6 action on their proposal.

7 We would anticipate doing this during the  
8 first quarter, so January time of 2022. This will  
9 give all parties time to review the opinion that  
10 we've now made public and prepare.

11 There being nothing further on that agenda  
12 item, we will move to our next agenda item which is  
13 a separate executive session pursuant to HRS 92-  
14 5(a)(2), to obtain the Attorney General's guidance  
15 on dealing with unprofessional conduct by  
16 petitioners.

17 Commissioner Okuda, has Commissioner Okuda  
18 been informed that we are now --

19 **MR. ORODENKER:** We're doing that right  
20 now, Mr. Chair.

21 **CHAIR SCHEUER:** Okay. There are no public  
22 testimony -- Commissioner Wong.

23 **COMMISSIONER WONG:** No. Go ahead  
24 (inaudible).

25 **CHAIR SCHEUER:** Okay. Is it still true

1 that there's been no public testimony related to  
2 this particular executive session?

3 **MS. QUINONES:** Yes, Chair. There's no  
4 testimony received on this session.

5 **CHAIR SCHEUER:** Okay. So this executive  
6 session, which is about dealing with unprofessional  
7 conduct by petitioners, are there any members of the  
8 public, commissioner (inaudible) --

9 **MR. ORODENKER:** Commissioner Okuda a  
10 moment to join.

11 **CHAIR SCHEUER:** Yeah, no, absolutely. I  
12 was just seeing whether or not there was anybody who  
13 was going to testify and I was going to hold their  
14 testimony until we were ready, just trying to be  
15 efficient with time.

16 **MR. ORODENKER:** Okay. Thank you, Mr.  
17 Chair.

18 **CHAIR SCHEUER:** Are there any members of  
19 the public who wish to testify on this particular  
20 executive session item which is, again, dealing with  
21 unprofessional conduct by petitioners? If you wish  
22 to testify on this narrow item, do so by raising  
23 your hand using the raise-your-hand function or star  
24 nine if you're calling in by phone. Okay. I'm  
25 seeing none.

1 So now, we will wait for Commissioner  
2 Okuda to rejoin and then I will entertain a motion  
3 to go into executive session on this matter. Can  
4 the staff put on some entertaining music while we  
5 wait.

6 **COMMISSIONER CABRAL:** Where did the year  
7 go to?

8 **CHAIR SCHEUER:** (Inaudible).

9 **MR. ORODENKER:** He's signing in right now,  
10 Chair.

11 **CHAIR SCHEUER:** Okay. So somebody be like  
12 talking about him just as he enters and then he'll  
13 wonder --

14 **(Simultaneous speaking.)**

15 **CHAIR SCHEUER:** And that's the other thing  
16 that Gary Okuda always does on top of all the things  
17 you said, Arnold.

18 Okay. We're all here. There's no one  
19 testifying on this executive session item,  
20 Commissioners. Is somebody willing to make a motion  
21 to go into executive session pursuant to HRS 92-  
22 5(a)(2), to obtain the Attorney General's guidance  
23 on dealing with unprofessional conduct by  
24 petitioners?

25 **CHAIR SCHEUER:** Commissioner Wong.

1           **COMMISSIONER WONG:** Chair, I make the  
2 motion regarding this agenda item.

3           **CHAIR SCHEUER:** Thank you. Commissioner  
4 Cabral.

5           **COMMISSIONER CABRAL:** I'll second that.

6           **CHAIR SCHEUER:** All in favor say aye and  
7 indicate so by saying it and raising your hand.

8           **("Aye" in unison.)**

9           **CHAIR SCHEUER:** Is there anybody opposed?  
10 Seeing none, we will go into executive session.

11           And so members of the public who may be  
12 following this proceeding, it will be the same  
13 method. We will go to a separate Zoom meeting. We  
14 will leave this Zoom meeting. The Zoom meeting will  
15 remain open.

16           After the period of time that we require  
17 to consult with our Attorney General on this item,  
18 we'll come back into the regular session and take up  
19 action Item VI. With that, we're going into  
20 executive session.

21           **(WHEREUPON, the meeting went into**  
22 **executive session from 11:27 a.m. to 12:37 p.m.)**

23           **CHAIR SCHEUER:** Okay. It is about 12:37  
24 and we are back in session. We have concluded with  
25 executive session Item V and we are now moving on to

1 our penultimate agenda item, Item VI, action to  
2 consider authorization for the Chair to have ex  
3 parte communication with petitioners who display  
4 unprofessional conduct. Commissioner Cabral.

5 **COMMISSIONER CABRAL:** I'll move that we  
6 authorize Chair Scheuer to write a letter to the  
7 individual who has expressed dissatisfaction with  
8 our procedures and clarify that our staff as well as  
9 the LUC is only in a position to respond to anything  
10 that is professional and pertinent to the petition  
11 and not of a personal nature or of any level of  
12 harassment.

13 **CHAIR SCHEUER:** There's a motion.  
14 Commissioner Giovanni.

15 **COMMISSIONER GIOVANNI:** I second the  
16 motion.

17 **CHAIR SCHEUER:** Okay. Commissioners, we  
18 have a motion before us. Is there any discussion or  
19 deliberation on the matter? Commissioner Aczon.

20 **COMMISSIONER ACZON:** Chair, can I suggest  
21 that before the letter go out, we do a review from  
22 the AG?

23 **CHAIR SCHEUER:** Is that a friendly  
24 request, a request for friendly amendment to the  
25 motion?

1 COMMISSIONER ACZON: Yes.

2 (Simultaneous Speaking.)

3 CHAIR SCHEUER: Second.

4 UNIDENTIFIED SPEAKER: Agreed.

5 CHAIR SCHEUER: Commissioner Okuda.

6 COMMISSIONER OKUDA: Thank you, Mr. Chair.

7 I plan to vote in favor of the motion. This motion  
8 is not to single out any person.

9 Our democracy functions if we not only  
10 have free and open communication, but free and open  
11 communication requires that the public servants that  
12 receive those communications, government officials,  
13 not feel in any way negativity in the sense of the  
14 type of conduct which is reflected as part of this  
15 motion.

16 So in no way is this motion intended to  
17 limit anyone's rights or obligations or duties. It  
18 is to make clear what is the requirements of the  
19 law, and so for those reasons because I believe the  
20 motion is consistent with the law and democratic  
21 principles, I will be voting in favor of the motion.

22 CHAIR SCHEUER: Thank you, Commissioner  
23 Okuda. Further deliberation, Commissioners? The  
24 Chair intends to vote in favor of the motion with  
25 its friendly amendment that I would draft a letter



1 and work with the Attorney General, deputies  
2 attorney general, prior to it being sent. Anything  
3 further? If not, Mr. Orodenger, will you please poll  
4 the commission.

5 **MR. ORODENKER:** Thank you, Mr. Chair. The  
6 motion is to authorize the chair to write a letter  
7 regarding this matter -- matters that fall within  
8 this agenda item and have the AG review it prior to  
9 distribution. Commissioner Cabral.

10 **COMMISSIONER CABRAL:** Yes.

11 **MR. ORODENKER:** Commissioner Giovanni.

12 **COMMISSIONER GIOVANNI:** Aye.

13 **MR. ORODENKER:** Commissioner Aczon.

14 **COMMISSIONER ACZON:** Yes.

15 **MR. ORODENKER:** Commissioner Chang.

16 **COMMISSIONER CHANG:** Aye.

17 **MR. ORODENKER:** Commissioner Ohigashi.

18 **COMMISSIONER OHIGASHI:** Aye.

19 **MR. ORODENKER:** Commissioner Okuda.

20 **COMMISSIONER OKUDA:** Yes.

21 **MR. ORODENKER:** Commissioner Wong.

22 **COMMISSIONER WONG:** Aye.

23 **MR. ORODENKER:** Chair Scheuer.

24 **CHAIR SCHEUER:** Aye.

25 **MR. ORODENKER:** Thank you. Mr. Chair, the

1 motion passes unanimously.

2           **CHAIR SCHEUER:** Okay. Thank you, very  
3 much. That brings us to Item VII, adjournment.  
4 There being no further business, I believe --  
5 anything more, Mr. Orodenger? No. Okay.

6           There being no further business, I adjourn  
7 this meeting and thank everyone for their  
8 participation.

9           **(WHEREUPON, the meeting was adjourned at**  
10 **12:41 p.m.)**

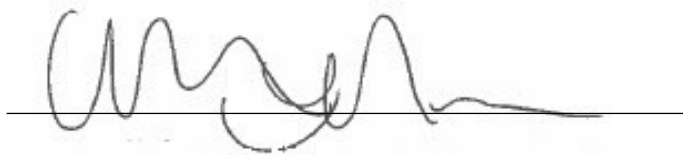
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CERTIFICATE

I, Melissa Noble, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 8<sup>th</sup> day of November, 2021.

A handwritten signature in black ink, appearing to read 'Melissa Noble', is written over a horizontal line.

Melissa Noble

RPR, CSR 376