

Doc**Index to Contested Case OA-07-06**

1	23-Jul-14	Index to Contested Case OA-07-06 compiled on July 23, 2014
2	25-May-07	OCCL staff report to the Board of Land and Natural Resources regarding Conservation District Enforcement File OA-07-31 regarding alleged unauthorized repair / reconstruction of a boulder revetment within the conservation district located at Mokuleia, Island of Oahu, TMK (1) 6-8-003:018
3	25-May-07	Board minutes
4	29-May-07	Notification to landowners of Board finding of violation for the unauthorized repair / reconstruction of a boulder revetment within the conservation district
5	4-Jun-07	Petition for a contested case hearing by Elizabeth M. Dailey and Michael K. Dailey
6	8-Jun-07	Application from Mokuleia Beach Colony to be a party in the contested case hearing
7	18-Jun-07	Memorandum from OCCL to Board members regarding ex parte communication
8	13-Jul-07	Report from OCCL to Board of Land and Natural Resources regarding appointing and selecting a Hearing Officer (HO) to conduct hearings for one contested case hearing
9	25-Jul-07	Minute Order No 1, Order regarding comments or objections to appointment of Lawrence Miike as HO; COS; Other material regarding selection of Hearing Officer
10	4-Sep-07	Correspondence from OCCL to landowners' counsel regarding an application for shoreline delineation
11	6-Sep-07	Minute Order No. 2, Order regarding hearing on standing and scheduling meeting for the contested case; COS
12	11-Oct-07	Minute Order No. 3, Results of the hearing on standing and scheduling meeting for the contested case; COS
13	25-Oct-07	Minute Order No. 4, Regarding reapplication by Mokuleia Beach Colony to be a party in the contested case hearing; COS
14	15-Nov-07	Minute Order No. 5, Order regarding standing for Mokuleia Beach Colony and scheduling meeting; COS
15	28-Nov-07	Minute Order No. 6, Order on standing for Mokuleia Beach Colony and schedule for contested case hearing; COS
16	2-Jul-08	Handouts A through G submitted by petitioners Elizabeth M. Dailey and Michael K. Dailey for the status conference conducted on July 2, 2008
17	7-Nov-08	Letter from landowners' counsel regarding update on the status of the Variance Application to construct a seawall; Exhibits A to D
18	7-Jul-09	Email from landowner's counsel regarding the status of the pending shoreline variance application; attachment 1 Environmental Assessment for a Shoreline Serback Variance Application for a Seawall; Attachment 1: Land Use Permits Division Master Application Form
19	28-Sep-09	Letter from landowner's counsel to DLNR Land Division regarding a perpetual non-exclusive access and utility easement; attachment: Agriculture Feasibility Report Dillingham Ranch
20	14-Oct-09	Letter from landowner's counsel to Hearing Officer on status of case and proposed resolution

21	8-Jan-10	Email from landowners' counsel to HO regarding status of case; attachment: letter of Dec 7 2009 from landowners' representative to Dept of Planning and Permitting re status of Final EA and Shoreline Setback Variance application
22	10-Feb-10	Emails between landowners' counsel, HO, and OCCL on status of case; attachment: letter of Feb 8 2010 from Dept of Planning and Permitting to landowners' representative
23	28-Apr-10	Findings of fact, conclusions of law, and descision and order in the matter of the application of Michael K. Dailey for a shoreline setback variance
24	28-Apr-10	Letter from Dept of Planning and Permitting re Partial approval of shoreline setback variance
25	8-Dec-10	Notice of withdrawal of counsel for petitioners Elizabeth M. Dailey and Michael Dailey; COS
26	12-Jan-11	Letter from OCCL to landowner requesting update on status of the county permit; and if there will be new counsel
27	15-Jun-11	Letter from landowner to OCCL re: request to Dept of Planning and Permitting for retroactive extension for shoreline setback variance
28	20-Jun-11	Letter from OCCL to landowner acknowledging receipt of correspondence regarding the retroactive extension of the shoreline setback variance.
29	8-Jul-11	Letter from OCCL to HO regarding timeline for resolving the case
30	13-Oct-11	Letter from landowner to Dept of Planning and Permitting regarding extension on shoreline setback variance
31	28-Nov-11	Letter from Dept of Planning and Permitting to landowner regarding request for second extension on shoreline setback variance
32	2-Apr-12	Letter from OCCL to landowner requesting update; attachment "Dailey Resolution (ideal)"
33	27-Apr-12	Letter from Analytical Planning Consultants to OCCL regarding progress on the encroashment issue
34	6-Jun-12	OCCL notes to file
35	21-Jun-12	Letter from Analytical Planning Consultants to County Department of Planning and Permitting regarding certified shoreline and revised plans
36	6-Sep-12	Letter from Analytical Planning Consultants to OCCL regarding progress on the enforcement case
37	10-Oct-12	Request from Analytical Planning Consultants to County Department of Planning and Permitting for an extension on time to complete building permit process
38	25-Mar-13	Notice from OCCL regarding status conference on April 1, 2013; COS
39	3-Apr-13	Minute Order 7, Order regarding results of status conference; COS
40	6-May-13	Letter from landowner's counsel to HO regarding status report pursuant to Minute Order 7; c: Dailey, Clegg, Suzuki, Chun, Lau
41	14-May-13	Notice from OCCL regarding status conference on June 7, 2013; COS
42	17-May-13	Letter from AG Suzuki to HO regarding Mokuleia Beach Colony; c: Kugle, Lau, Cain, Gibson
43	17-Jun-13	Minute Order No. 8, Notice of prehearing conference; COS

44	26-Jun-13	Minute Order No. 9, Order regarding evidentiary hearing and schedule of submittals; COS
45	12-Jul-13	Minute Order No. 10, Order regarding site visit; COS
46	16-Jul-13	Memorandum from OCCL to members of the Board of Land and Natural Resources regarding ex parte communication
47	25-Jul-13	Minute Order No. 11, Order regarding hearing; Exhibit A and B; COS
48	26-Jul-13	Landowners' application for issuance of subpoena; Exhibit 1; COS
49	26-Jul-13	Landowners' notice of taking deposition upon written questions; Exhibit A; COS
50	26-Jul-13	Landowner's notice of taking deposition upon written questions; Exhibit A; COS
51	26-Jul-13	Subpoena duces tecum to custodian of records, DLNR-OCCL
52	7-Aug-13	Respondent DLNR OCCL's motion to quash subpoena duces tecum and to strike notice of taking depositions upon written questions; Memorandum in support; Declaration of Robyn B. Chun; Exhibits A and B; Notice of Hearing; COS
53	8-Aug-13	Minute Order No. 12, Notice of hearing on respondent's motion to quash subpoena duces tecum and to strike notice of taking deposition upon written questions; COS
54	12-Aug-13	Landowner's amended notice of taking deposition upon written questions; Exhibit A; COS
55	14-Aug-13	Landowners' application for bill of particulars; COS
56	15-Aug-13	Landowners' memorandum in opposition to respondent DLNR OCCL's motion to quash subpoena duces tecum and to strike notice of taking depositions upon written questions; Exhibit A; COS
57	19-Aug-13	Respondent's Reply to memorandum in opposition to respondent's motion to quash subpoena duces tecum and to strike notice of taking depositions upon written questions; COS
58	20-Aug-13	Minute Order No. 12, Revised schedule for evidentiary hearing and schedule of submittals; COS
59	23-Aug-13	Hearing on respondent DLNR OCCL's motion to quash subpoena duces tecum and to strike notice of taking deposition upon written questions; COS
60	6-Sep-13	Respondent's bill of particulars; COS
61	10-Sep-13	Respondent OCCL's exhibit list; COS
62	10-Sep-13	Respondent OCCL's opening brief; COS
63	10-Sep-13	Witness Statement - Andrew P. Bohlander; Exhibit B-9 - B-11; COS
64	10-Sep-13	Witness statement - Dolan Eversole; Exhibits B-12 and B-13; COS
65	10-Sep-13	Witness statement - Samuel J. Lemmo; Exhibits B-5 - B-8; COS
66	26-Sep-13	Minute Order No. 13, Hearing on Motions; COS
67	24-Sep-13	Declaration of Don Rohrback; COS
68	24-Sep-13	Declaration of Elaine Tamaye; COS
69	24-Sep-13	Declaration of Elizabeth Dailey; COS
70	24-Sep-13	Declaration of Harvey Hida, P.E.; COS

71	24-Sep-13	Declaration of Michael Dailey; COS
72	24-Sep-13	Elizabeth Dailey and Michael Dailey's exhibit list; Exhibits 1-24; COS
73	24-Sep-13	Elizabeth Dailey and Michael Dailey's motion to dismiss for lack of enforcement jurisdiction; Memorandum in support of motion; Exhibit 1; Notice of hearing motion; COS
74	24-Sep-13	Elizabeth Dailey and Michael Dailey's responsive brief; COS
75	24-Sep-13	Respondent DLNR OCCL's motion in limine; Memorandum in support; COS
76	1-Oct-13	Landowners' memorandum in opposition to motion in limine; Exhibit A-9; COS
77	1-Oct-13	Respondent DLNR OCCL's memorandum in opposition to Elizabeth Dailey and Michael Dailey's motion to dismiss for lack of enforcement jurisdiction; COS
78	1-Oct-13	Respondent DLNR OCCL's motion to add witnesses or, in the alternative, to extend deadline for filing witness statements; Declaration of Robyn B. Chun; COS
79	1-Oct-13	Respondent DLNR OCCL's rebuttal to declaration of Michael Dailey; Witness statement of Andrew P. Bohlander; COS
80	9-Oct-13	Minute Order No. 14, Order regarding hearing on motions; COS
81	9-Oct-13	Index for OA-07-06; COS
82	10-Oct-13	Notice of submission of declaration of William Paty; Exhibit A-3; COS
83	15-Oct-13	Witness Statement - William Fraser; Exhibits 1 through 6 (distributed at hearing)
84	15-Oct-13	Landowners' Exhibit A-25 (distributed at hearing)
85	17-Oct-13	Stipulation pertaining to the testimony of Don Rohrbach
86	15-Nov-13	Minute Order No. 15, Order regarding the parties' proposed findings of fact, conclusions of law, and descision and order; COS
87	6-Dec-13	Respondent OCCL's Closing Argument; COS
88	6-Dec-13	Respondent OCCL's proposed findings of fact, conclusions of law, and descision and order; COS
89	6-Dec-13	Landowners'proposed findings of fact, conclusions of law, and descision and order
90	10-Dec-13	Amended COS regarding respondent OCCL's closing argument
91	18-Dec-13	Hearing Officer's proposed findings of fact, conclusions of law, and descision and order; COS
92	18-Dec-13	Minute Order No. 16, Order regarding Hearing Officer's proposed findings of fact, conclusions of law, and descision and order; COS
93	20-Dec-13	Minute Order No. 17, Order setting deadlines for Hearing on Exceptions; COS
94	10-Jan-14	Minute Order No. 18, Order adopting Hearing Officer's report; COS
95	24-Jan-14	Landowners' exceptions to the Hearing Officer's proposed findings of fact, conclusions of law, and descision and order; Exhibit A; COS
96	4-Feb-14	Minute Order No. 19, Order setting Hearing on Exceptions; COS

97	13-Feb-14	Respondent OCCL's response to the landowners' exceptions to the Hearing Officer's proposed findings of fact, conclusions of law, and decision and order; COS
98	13-Jun-14	Findings of fact, conclusions of law, and decision and order; COS
99	11-Oct-07	Transcript: Hearing on Standing on October 11, 2007
100	28-Nov-07	Transcript: Hearing on Standing regarding Re-petition of Mokuleia Beach Colony on November 28, 2007
101	15-Oct-13	Transcript: Contested Case Hearing on October 15, 2013
102	22-May-09	Progress report from landowner's counsel on the progress of the Variance Application to construct a seawall; Exhibits A-C
103	28-May-10	Applicant's statement of position regarding motion to reconsider decision and order to incorporate the agreement between Mokuleia Beach Colony and applicant; Exhibits A-B

First Circuit Court

1C-1	11-Jul-14	Notice of appeal to the Circuit Court, Elizabeth Dailey, et al. plaintiffs, v. Department of Land and Natural Resources, et. al., defendants; Designation of record on appeal; Appellants Elizabeth Dailey's and Michael Dailey's Statement of the Case
1C-2		BLNR Answering Brief
1C-3	22-Dec-14	Appellants Elizabeth Dailey and Michael Dailey's Reply Brief in the Circuit Court of the First Circuit; COS
1C-4	23-Jan-15	Transcript of proceedings in the Circuit Court of the First Circuit, Elizabeth Dailey, et al. plaintiffs, v. Department of Land and Natural Resources, et. al., defendants

On Remand

OR-1	20-Mar-15	Circuit Court order remanding proceedings to amend findings of fact, conclusions of law and decision and order
OR-2	24-Jun-15	Notice of ex parte communication to BLNR members
OR-3	25-Jun-15	Hearing Officer's proposed revised findings of fact, conclusions of law, & decision and order: on remand; COS
OR-4	25-Jun-15	Stipulation to substitute contested case record black and white photographs with color photographs of original May 25, 2007 Board submittal, Exhibit "A," and Order; COS
OR-5	26-Jun-15	Minute Order 20, Order adopting Hearing Officer's proposed findings of fact, conclusions of law, & decision and order: on remand; Order setting deadline for exceptions, and setting hearing on exceptions; COS
OR-6	16-Jul-15	Landowners Elizabeth Dailey and Michael K. Dailey's exceptions and objections to the Hearing Officers's revised findings of fact, conclusions of law, & decision and order on remand; Exhibits "A-C"; COS
OR-7	pending	DLNR responses and exceptions