State of Hawaii Department of Land and Natural Resources Civil Resource Violations System

ADMINISTRATIVE SANCTIONS SCHEDULE

Adopted on March 13, 2009

By the Board of Land and Natural Resources

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State of Hawaii Department of Land and Natural Resources Civil Resource Violations System

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The following Administrative Sanctions Schedule is adopted as a guideline for the Department of Land and Natural Resources to be used under the Civil Resource Violations System (CRVS).

PART 1. GENERAL PROVISIONS

Item 1-1. Objective

This Administrative Sanctions Schedule ("Schedule") seeks to provide a Department-wide standard policy guideline for all divisions of the Department of Land and Natural Resources (DLNR or "Department") in processing the civil resource violations so as to promote:

- Voluntary compliance of state law for the protection of Hawaii's natural and cultural resources,
- Fair and cost-effective process for all parties involved, and
- Deterrence of violations.

Item 1-2. <u>Legal Authority</u>

This Schedule is adopted pursuant to §171-6 and Chapter 199D, Hawaii Revised Statutes (HRS), §13-1-70, Hawaii Administrative Rules (HAR), and other statutes and administrative rules of the Department.

Item 1-3. Applicability

The Department shall follow this Schedule when processing a civil resource violation under the CRVS pursuant to Chapter 13-1, Subchapter 7, HAR.

Item 1-4. <u>Denial of Application for Cause</u>

If a person is a respondent in a pending case with the CRVS, the Department may deny any application submitted by such person to the Department for any regulatory permit, license, or a renewal of such, or may issue one with additional conditions upon full payment of the CRVS fines assessed, subject to the review by a hearing officer and the Board or its delegate if the CRVS case is properly contested.

Item 1-5. Delegation of Power to Suspend Permits and Licenses Issued by the Department

- (a) Unless otherwise provided by law or in this Schedule, if a respondent has been issued a CRVS violation notice for any violation related to a particular DLNR permit or license issued to or held by the respondent and fails to comply with the notice within 21 days of the service of the notice, the Chairperson is authorized to suspend the permit or license until the respondent comes into full compliance with all sanctions and requirements imposed through the CRVS.
- (b) A suspension of a permit or license shall mean that the permitee or licensee is not entitled to conduct any activity pursuant to the permit or license until such time as the permit or license is reinstated. Suspension of a permit or license will not affect the expiration of the term of the permit or license.
- (c) The Chairperson may reinstate a suspended permit or license for good cause at any time upon petition of the respondent.
- (d) The Division Administrator shall reinstate a suspended permit or license upon a determination that the respondent has come into full compliance with the law and all violation notices previously issued.

Item 1-6. Delegation of Power to Revoke Permits and Licenses Issued by the Department

- (a) Unless otherwise provided in this Schedule, if a respondent is found to have committed three offenses under this Schedule in the past twelve months for any violation of state law or the terms or conditions of a particular DLNR permit or license issued to or held by the respondent, the Chairperson is authorized to revoke the permit or license for a period not to exceed six month.
- (b) If a permit or license revoked under this Schedule expires before the end of the revocation period, the revocation shall continue to be enforced by denying any application for the renewal or new issuance of a permit or license until the revocation period is over.
- (c) For good cause, the Chairperson may withdraw a revocation of a permit or license.

(d) After the revocation period, the Division Administrator may reissue a revoked permit or license upon the respondent's application for renewal and payment of the fee that the Department charges for the renewal of the permit or license.

Item 1-7. <u>Interpretation of the Schedule</u>

The Chairperson and a hearing officer appointed pursuant to §13-1-57, HAR, shall have the power to interpret this Schedule, subject to review by the Board.

Item 1-8. Standard Forms

- (a) The Chairperson may make minor modifications and corrections to a standard form adopted by the Board for use in the CRVS if deemed necessary.
- (b) The Department shall use the standard form of Notice of Civil Resource Violation(s), as attached in Appendix 1-A, when preparing a violation notice pursuant to §13-1-62, HAR.

Item 1-9. Effective Dates

This Schedule and its subsequent amendments shall be effective upon adoption by the Board.

Appendix 1-A. Standard Form – <u>Notice of Civil Resource Violation(s)</u>



STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES NOTICE OF CIVIL RESOURCE VIOLATION(S)



17. 17. 17.									State of Hawaii
Notice N	o. CRVS -	- 09	-			Date:			
				roceedings inst ainst you for an					
				fficer of the Depsource violation(ural Resour	ces (DLNR) s	states that the
				A. RESPOND	ENT INFO	RMATION			
Last Nam	ne / Compa	any Nam	е	First Na			Sex ☐ M	Date o	of Birth
Street Ad	ldress				City			State & ZIP (Country)
ID Type		Issued B	Ву	ID No.	•		Juvenile	Phone	
		•	D VELIV		NEODMA	TION //f			
☐ Vehic		se Plate l		CLE / VESSEL sel Type, ID, Na		License State		e / Model / Co	olor
				C. STATE					
Date	I	ime	∐ a.m. V □ p.m.	iolation Site: Isla	and / Loca	tion / TMK			
DESCRI	PTION: (S	pecify an	y witness, evid	dence, damage,	injury and	l seizure. Atta	ch additiona	sheet if need	led.)
								E ENEO	100E00ED
			D.	CITATION(S)				Comply in	ASSESSED After 21
No.	Autho	rity		Civil Re	source Vid	olation		21 days	days
1	§							\$	\$
2	§							\$	\$
3	§							\$	\$
			TOTAL A	DMINISTRATI	VE FINE	ASSESSED	>>>	\$	\$
				HER SANCTIO					
FO RESF	PONDENT ents within	: In addit	tion to any fine	es assessed in S of this Notice, u	Section E, inless a di	you must con	nply with the	following sand	ctions and/or
equiletti	CITCS WILLIIII	Zidays	or the service	or triis riotice, t	iniess a di	nerent period	is provided ii	T tillo occioii	DGIOW.
		G. IS	SUANCE AN					NOWLEDGE	
F.I. & Las	st Name		Agency	Signature				he receipt of this sion of responsil	
Service:	☐ In Pers		 Certified Mail nicle/vessel	Issued by APO	:			5	ndent Signature
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I. SUMMONS TO RESPONDENT

Pursuant to §199D-1, HRS, and §13-1-63, HAR, you are hereby summoned and required to submit an answer to this Notice within twenty-one (21) days from the date of service of this Notice. Submit your answer, payment, statement and/or evidence to DLNR/APO, 1151 Punchbowl Street, Room 130, Honolulu, <a href="https://Hawaii <a href="https://Hawaiii <a href="https://Hawaiii <a href="https://Hawaiiii <a hr

J. ANSWER BY RESPONDENT (Required)

INS	TRUCTIONS:									
1.	You have three options in answe Sign and date your answer and re listed above or answer at the web	turn it to the DLNI	R Administrative Proceedin							
2.	If you choose Option 1, include with your answer payment in the amount stated in the first column of Section E if you are answering within 21 days of receiving this Notice or in the amount stated in the second column if after 21 days. Make your check payable to <u>State of Hawaii</u> . For credit card payment, see attached envelope. You are also required to comply with all sanctions and requirements specified in Section F. Your case will be concluded.									
3.	If you choose Option 2, include with your answer a statement and evidence showing the mitigating circumstances. A hearing officer will review your request and render a decision without holding a hearing, and may adopt, modify or reverse any sanctions assessed in this Notice. This decision is final and may not be contested or appealed.									
4.	If you choose Option 3, include with your answer a statement and evidence showing the reasons of your contest. A Notice of Administrative Hearing will be mailed to you within 30 days of your answer.									
5.	5. If answer by mail, return this original page to DLNR/APO. Retain a copy of everything you submit for your records. For inquiries, contact DLNR/APO at (808) 587-1496, DLNR.CO.APO@hawaii.gov or www.hawaii.gov/dlnr/apo .									
	Option 1: Comply	Option 2: R	equest Mitigation	Optio	on 3: Contest					
aı	OO NOT contest this Notice, and have complied with all anctions assessed herein.		test this Notice, but ation in the assessed	request ar	est this Notice, and administrative case hearing.					
ST	ATEMENT OF RESPONDENT: (Ple	ease type or write	legibly. Use additional she	et if necessar	y.)					
	nt your name:		Signature:		Date:					
Ad	dress:		E-Mail:		Phone:					