

Cindy Freitas
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BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re Conservation;) **MOTION TO RECONSIDERATION;**
Use Application (CDUA) HA-3568 For the) **MEMORANDUM IN SUPPORT**
Thirty Meter Telescope at the Mauna Kea)
Science Reserve, Ka'ohē Mauka, Hamakua,)
Hawaii'i TMK(3)4-4-015:009) Certificate of Service
)
)
_____)

MOTION TO RECONSIDERATION

Now comes Cindy Freitas pursuant to Hawaii Administrative Rules 13-1-39 for reconsider the ruling pronounced orally at the pre-hearing conference on August 5, 2016 in which the Hearing Officer said "Motion for continuance is denied, as no good cause set forth"

This motion is supported by a memorandum.

Kailua Kona HI., Aug 12, 2016


Petitioner Cindy Freitas

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MEMORANDUM IN SUPPORT FOR MOTION TO RECONSIDERATION

I. INTRODUCTION

Minute Order No. 13 at page 7 [DOC115] set the time and place for a pre-hearing conference on August 5, 2016.

The Hearing Officer ("HO") addressed various motions that raised issues concerning the request for continuance. At that point the Hearing Officer rule and order to deny request for continuance.

II. AUGUMENT

HO states "as for no good causes set forth" is premature and the fact is given reasonable time before the deadline so that we do have clarification and or instructions and format to submit for future order. See State v. Villiarimo, 2014; Hawaii Revised Statue ("HRS") 606-13-6; HRS 91-2.

I have emailed repeatedly on how to order transcripts so I can reference from the supported documents. I find though all this correspondents of email directions that I have followed, and yet there is still no clear direction on how to order the transcript. See HRS Division 4. Courts and Judicial Proceedings 606-13-6

On August 5, 2016 I have ask the HO for clarification on how do I order or view the transcript, just a select portion of the transcript, HO stated "just ask some one who has the transcript and view it so you know exactly which page you need" I've turn to face the audience and asked to my surprise no one offered at the end of that pre-hearing conference.

I have taken steps to follow the directions that HO and the certified reorder Jean Marie McManus as well as emailing Julie H. China, Deputy Attorney General Land and Transportation Division. Hawaii Administration Rules 13-1-32 (d) states:

"Any party may obtain a certified transcript of the proceedings upon payment of the fee established by law for a copy of the transcript".

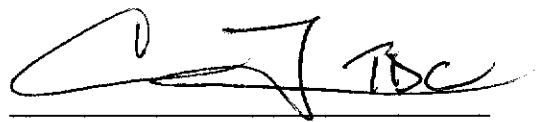
I have exhausted all the administration remedies to try to obtain a select transcript. Therefore it violates the Due Process right of parties. 14th and 15th Amendment; Exhibit 1 (a), (b), (c), (d) and (e). email correspondents.

III. CONCLUSION

I humbly ask that this proceedings gives clarification in the future for

all contested case hearing and also ask to grant this Motion.

Kailua Kona HI. Aug 12, 2016

A handwritten signature in black ink, appearing to read 'Cindy Freitas', written over a horizontal line.

Cindy Freitas Petitioner

cc: Parties of Record (see attached Amended Certificate of Service)

Exhibit 1

(a)

(b)

(c)

(d)

(e)

Mahalo Cindy Freitas

-----Original Message-----

From: Jean Marie McManus
Sent: Sunday, July 24, 2016 9:36 AM
To: hanahanai@hawaii.rr.com
Subject: TMT transcript

Aloha, Ms. Freitas,

I received an email from OCCL - Michael Cain stating you wanted information on TMT transcripts.

Please let me know specifically what you are interested in.

Thank you.

Jean McManus
Court Reporter
239-6148 on Oahu

Sent from my iPhone

Exhibit 1 (a)

From: Jean Mcmanus
Sent: Monday, July 25, 2016 7:24 AM
To: hanahanai@hawaii.rr.com
Subject: Re: TMT transcript

Aloha, Ms. Freitas,

The cost per page is \$5.75. For the proceedings held on 6/17/16 it was 127 pages.

127 x 5.75 = 736.00
Excise tax - 34.68

TOTAL DUE for the transcript is \$770.68

If you would like to order the transcript, please send a check in the amount of \$770.68 to

McManus Court Reporters
47-314 Lulani Street
Kaneohe, HI 9744

Upon receipt of your check I will send you a pdf copy of the transcript. If you desire to order more transcripts of the TMT proceedings, all you need do is contact me via email and let me know that you want a copy of the transcript. I will let you know the cost and send it to you via email upon receipt of your check.

Thank you,

Jean McManus

-----Original Message-----

From: cindy freitas <hanahanai@hawaii.rr.com>
To: Jean Marie McManus <mjeanmcmanus804@aol.com>
Sent: Sun, Jul 24, 2016 1:38 pm
Subject: Re: TMT transcript

Aloha

In the Hawaii Administration Rules 13-1-32(d) state "Any party may obtain a certified transcript of the proceedings upon payment of the fee established by law for a copy of the transcript.

1. What is the process and form I need to do to order transcript of June 17, 2016 and the cost.
2. when ordering future transcript how soon can I put the order in for the next transcript and will the cost be noted also.

Mahalo for getting back to me and should be look forward for information on this matter though email.

Exhibit 1 (b)

8/10/2016

cindy freitas

From: "Jean Marie McManus" <mjeanmcmanus804@aol.com>
Date: Tuesday, July 26, 2016 11:49 AM
To: "cindy freitas" <hanahanai@hawaii.rr.com>
Subject: Re: TMT transcript

If you can tell me specifically what you want, where it starts and where it ends, I can hopefully go right to it. The judge said no tape recording which is the way it always is, so if you want something write down beginning and ending.

This is very difficult for me to do, so if this becomes too time consuming at some point I will have to say "no more".

Sent from my iPhone

On Jul 25, 2016, at 2:10 PM, cindy freitas <hanahanai@hawaii.rr.com> wrote:

Aloha Jean McManus

If I needed a certain area of the transcript how would I identify that page. Example DOC 94: Petitioners Mauna Kea Anaina Hou et al.'s motion to strike Conservation District Use Application, HA-3568, dated September 2, 2010, and/or motion for summary judgment; Memorandum in support of motion; Declaration of Richard Naiwieha Wurdeman; Exhibits "A" – "E"... the transcript was located on Exhibit D transcript page 23, 24, 25 and 39 in the docs. If I needed a transcript page form a pre-hearing conference what do I need.. Do I take notes as the hearing starts and let you know what was said....or can I tape it so I know what to order....Mahalo Cindy

From: Jean Marie McManus
Sent: Monday, July 25, 2016 12:07 PM
To: cindy freitas
Subject: Re: TMT transcript

I really don't understand what you want.

Sent from my iPhone

On Jul 25, 2016, at 8:52 AM, cindy freitas <hanahanai@hawaii.rr.com> wrote:

Aloha Jean McManus

If I wanted a select page how can I identify it. example: for me "were I agree on accepting as party" I would know about that but, due to next pre-hearing conference their will be a lot of argument being made (to motion) and I need to understand how to identify it. Mahalo Cindy

Exhibit 1 (c)

8/10/2016

cindy freitas

From: "Jean Mcmanus" <mjeanmcmanus804@aol.com>
Date: Tuesday, August 09, 2016 4:56 PM
To: <hanahanai@hawaii.rr.com>
Subject: Re: transcript

Aloha, Ms. Freitas;

As the Hearings Officer pointed out, you need to ask someone who has a transcript to let you see it so you can tell me what page (s) you would like. I honestly don't have the time to try to go through and guess at what you might want.

If you can tell me the page (s) that you want, I would be happy to send that to you in a pdf file. I do not take credit cards.

-----Original Message-----

From: Cindy Freitas <hanahanai@hawaii.rr.com>
To: Jean Marie McManus <mjeanmcmanus804@aol.com>
Sent: Tue, Aug 9, 2016 4:07 pm
Subject: transcript

Aloha

I need to know if I can order a transcript on July 17, 2016 that Hearing officer gave the order to submit motions and other requirement due on July 18, 2016 with instructions. I think its towards the end of the pre-hearing conference. Also do you take credit card over the phone for these and also if it can be email to me in a pdf file Mahalo Cindy Freitas

Exhibit 1 (d)

8/10/2016

Cindy Freitas

From: "Cindy Freitas" <hanahanai@hawaii.rr.com>
Date: Wednesday, August 10, 2016 10:25 AM
To: <rma3cc@yahoo.com>
Subject: Transcript

Aloha Hearing Officer Riki Amano (Ret)

How are you hope all is well.

I am having a hard time in getting a portion of transcript from the Certified Recorder..

I am asking if you have the transcript of June 17, 20016 pre-hearing conference in the mentioning of the order that we need to file and due on July 18, 2016 with instruction/ or formats. I will appreciated it if I can have a viewing of that transcript so I can order it from the certified recorder...

Feel free to email me with any questions you may have.

Mahalo Cindy Freitas (Petitioner)

Page 1 of 1

Cindy Freitas

From: "Cindy Freitas" <hanahanai@hawaii.rr.com>
Date: Wednesday, August 10, 2016 11:33 AM
To: <julie.h.china@hawaii.gov>
Subject: transcript

Aloha

How are you hope all is fine.

I am a party of the contested hearing for Case No. BLNR-CC-16-002. I understand that this department also received a transcript from every pre-hearing conference.

I was hoping that is there's a transcript that I can view in the BLNR office on the big island. I need a sustain section of it and I am having a hard time getting the transcript from the certified recorder.

I am looking for June 17, 2015 transcript.

Feel free to email me any questions you may have.

mahalo Cindy Freitas

Exhibit (e)

Cindy Freitas
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FOR THE STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re Conservation;) **AMENDED CERTIFICATE OF**
Use Application (CDUA) HA-3568 For the) **SERVICES**
Thirty Meter Telescope at the Mauna Kea)
Science Reserve, Ka'ohē Mauka, Hamakua,)
Hawaii'i TMK(3)4-4-015:009) Certificate of Service
)
)

AMENDED CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by the means indicated:

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Date: Aug 12, 2016