

Harry Fergerstrom - Party

P.O. Box 951

Kurtistown, Hawaii 96760

808 938-9994

hankhawaiian@yahoo.com

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF)

CASE NO. BLNR-CC-16-002

)

Contested Case Hearing Re Conservative)

NOTICE OF THE

District Use Application (CDUA) HA-3568 For)

APPEARANCE OF

The Thirty Meter Telescope at the Mauna Kea)

ADMINISTRATIVE BIAS

Science Reserve, Ka'ohe Mauka, Hamakua,)

Hawaii TMK (3) 4-4-0015:009)

Hearing date: August 29, 2016

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Hearings officer Riki May Amano

NOTICE OF THE APPEARANCE OF ADMINISTRATIVE BIAS

Now comes Harry Fergerstrom with a NOTICE of the Appearance of ADMINISTRATIVE BIAS.

There are many examples that can be pointed out. I reserve the right to continue with the many illustrations.

The one that continues to go unanswered, with the exception of a simple Denial of the Motion, is related to the TIMING in which petitioner must be present during the hearing and must clearly indicate at the same meeting his /hers intent to call for a contested case. Further that the participant must follow up within 10 days with a written indication that show desire to participate in the contested case process.

The description above is directly from Hawaii Administrative Rules as how an interested person is to be considered as a party to a contested case procedure.

On July 18, 2016 a hearing on the Motions was had where 3 motions were filed by Harry Fergerstrom. Each of the Motion were in respect to the process of participants being recognized as parties. The first two were DENIED capriciously. I demanded clarification of how those Motions, who were copied the Rules, especially regarding TIMING.

This question has direct immediate impact on WHO is recognized as a party to this contested case, and was the process as illustrated in HAR 13 subchapter 5. The answer is clearly NO. So why does this process continue with such monumental flaws.

What it has done has shown ADMINISTRATIVE BIAS.

This party reserves the right to continue to point out these and may more illustrations of Administrative Bias.

Daated this day Aug. 29, 2016

Harry Fergerstrom

