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Lay representative for Temple of Lono

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAI'I

IN THE MATTER OF ) Case No. BLNR-CC-16-002  
)  
A Contested Case Hearing Re Conservation) **TEMPLE OF LONO**  
District Use Permit (CDUP) (HA-3568 for ) **THIRD SUPPLEMENT TO**  
The Thirty Meter Telescope at the Mauna ) **PETITIONERS MAUNA KEA ANAINA**  
Kea Science Reserve, Kaohe Mauka, ) **HOU ET AL.'S RENEWED MOTION**  
Hamakua District, Island of Hawai'i, ) **TO DISQUALIFY HEARING OFFICER;**  
TMK (3) 4-4-015:009 ) **COS**  
\_\_\_\_\_ )

**TEMPLE OF LONO THIRD SUPPLEMENT TO PETITIONERS MAUNA KEA ANAINA  
HOU ET AL.'S RENEWED MOTION  
TO DISQUALIFY HEARING OFFICER**

On October 10, 2016, Petitioners Mauna Kea Anaina Hou, et al. (Petitioners) filed their Renewed Motion to Disqualify Hearing Officer.

Also on October 10, 2016, the Temple of Lono filed its joinder in support of the Petitioners' recusal motion and the Temple's supplement to that motion (Temple Joinder).

On October 11, 2016, the Temple of Lono filed its second supplement to the Petitioners' recusal motion.

The Temple herein provides its third supplement to the Petitioners' motion.

On October 11, 2016, the Hearing Officer issued an order addressing the Temple's motion to file out of time. DOC-356.<sup>1</sup>

The sum total of the Hearing Officers ruling was:

The Hearing Officer finds no good cause to grant the motion.

Ibid. at 4.

The Temple had provided three specific causes that warranted granting the motion to file motion out of time. DOC-335.

The Hearing Officer did not discuss any of those causes as to whether they provided good cause. DOC-356.

Once again, the Hearing Officer has protected the Applicant from the consequences of their libeling the Temple of Lono.

Once again, the Hearing Officer has provided no explanation for a ruling adverse to the Temple, so the Temple is denied an opportunity to file a motion for reconsideration.

Once again, the Hearing Officer has ignored the mandates of Due Process in order to further the obvious agenda of rushing to the day she can issue her recommendation that the permi be granted.

For the above and foregoing reasons, and for the reasons provided by the Petitioners' motion, the Temple's initial joinder and supplement, and the Temple's second supplement, the Hearing Officer should promptly remove herself or the Board should remove her.

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<sup>1</sup> The Hearing Officer had set October 10 as the date she would issue her orders. The Hearing Office issued six such orders on October 11, 2016. DOC-351 through DOC 356.

The damage is beyond salvation and must be addressed before all parties waste their time in a hearing that is so obviously tainted.

Dated: October 11, 2016

\_\_\_\_\_/s/\_\_\_\_\_  
Lanny Alan Sinkin  
Lay representative for Temple of Lono

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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 )  
District Use Permit (CDUP) HA-3568 for ) **CERTIFICATE OF SERVICE**  
The Thirty Meter Telescope at the Mauna )  
Kea Science Reserve, Kaohe Mauka, )  
Hamakua District, Island of Hawai'i, )  
TMK (3) 4-4-015:009 )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

I hereby certify that on this day a copy of the **TEMPLE OF LONO THIRD SUPPLEMENT TO PETITIONERS MAUNA KEA ANAINA HOU ET AL'S RENEWED MOTION TO DISQUALITY HEARING OFFICER** were served on the following parties by eMail on October 11, 2016:

Michael Cain <michael.cain@hawaii.gov>, Kealoha Pisciotto-Keomailani Von Gogh <keomaivg@gmail.com>, Clarence Ching <kahiwaL@cs.com>, Uncle Kalani Flores <ekflores@hawaiiantel.net>, Pua Case <puacase@hawaiiantel.net>, cordylinecolor@gmail.com, kealiikea@yahoo.com, Bianca Isaki <bianca@kahea.org>, Ian Sandison <isandison@carlsmith.com>, tluikwan@carlsmith.com, John P. (Pete) Manaut <jpm@carlsmith.com>, Lindsay N. McAneeley <lmcaneeley@carlsmith.com>, T. Shinyama' <RShinyama@wik.com>, douging@wik.com <'douging@wik.com'>, mehana kihoi <uhiwai@live.com>, Kahookahi Kanuha <kahookahi@gmail.com>, Joseph Camara <kualiic@hotmail.com>, lsa@torkildson.com <'lsa@torkildson.com'>, njc@torkildson.com <'njc@torkildson.com'>, leina'ala s <leinaala.mauna@gmail.com>, Maelani Lee <maelanilee@yahoo.com>, Lanny Sinkin <lanny.sinkin@gmail.com>, akulele@yahoo.com <'akulele@yahoo.com'>, s.tabbada@hawaiiantel.net <'s.tabbada@hawaiiantel.net'>, tiffniekakalia <tiffniekakalia@gmail.com>, Glen Kila <makakila@gmail.com>, Brannon Kealoha <brannonk@hawaii.edu>, hanahanai@hawaii.rr.com <'hanahanai@hawaii.rr.com'>, pohaku7@yahoo.com <'pohaku7@yahoo.com'>, Ivy McIntosh

<3popoki@gmail.com>, Kealamakia Jr. <mkealama@yahoo.com>, Patricia Ikeda  
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and will be served by first class mail on October 12, 2016 to:

1. Dwight J. Vicente  
2608 Ainaola Drive  
Hilo, Hawaiian Kingdom

2. Harry Fergerstrom  
P.O. Box 951  
Kurtistown, HI 96760

3. Michael Cain, Custodian of Records  
Conservation and Coastal Lands  
1151 Punchbowl, Room 131  
Honolulu, Hawai'i 96813

Dated: October 11, 2016

\_\_\_\_\_/s/\_\_\_\_\_  
Lanny Alan Sinkin