BOARD OF LAND AND NATURAL RESOURCES STATE OF HAWAII

In the Matter of: A Contested Case Hearing Re)	Case No. BLNR-CC-16-002
Conservation District Use)	
Permit)	Kamahana Kealoha Motion of Reconsideration on
(COUP) HA-3568 for the)	decision to Motion of Quo Warranto
Thirty Meter)	
Telescope at the Mauna Kea Science)	Hearing Officer: Riki J. Amano.
Reserve, Kaohe Mauka,)	Treating Officer. Kiki J. Amano.
Hamakua)	
District, Island of Hawai'i,)	
TMK (3) 4-4-015:009)	
)	
)	

Kamahana Kealoha Motion of Reconsideration on decision to Motion of Quo Warranto

I, Kamahana Kealoha respectfully submits this **Motion of Reconsideration on decision to Motion of Ouo Warranto.**

On October 10th the Hearing Officer submitted Minute Order (MO) 353 and it was uploaded to the documents library, seemingly on the same date.

In MO 353 Hearing Officer Amano denies my Motion Invoking Quo Warranto, Respectfully, a Demand of Jurisdiction; Declaratory Judgment on a Constitutional Issue/Violation Resubmitted 8/8/2016 (Doc. 180) ("Motion") was held in Hilo, Hawai'i at the Hawaii Community College, Cafeteria, 1175 Manono Street.

According to MO 353 the motion in Doc. 180 was denied based on the claim that "This Hearings Officer finds that she does not have the authority and/or jurisdiction to grant the relief being sought in this Motion. Pursuant to Hawai'i Revised Statutes Chapter 659, Mr. Kealoha's request for quo warranto should be addressed to a circuit court, not this contested case hearing. The Motion is also denied insofar as it raises non-justiciable political questions that are outside of this Hearings Officer's subject matter jurisdiction."

The claim that "should be addressed to a circuit court, not this contested case hearing" is, using the Hearing Officer's own words in the judgment, "illogical." Therefore the MO 353 should be amended in support of my motion made in Doc. 180, Quo Warranto.

It is illogical based on the fact that The **Supremacy Clause** of the United States Constitution (Article VI, Clause 2) establishes that the Constitution, federal laws made pursuant to it, and treaties made under its authority, constitute the supreme law of the land. It provides that state

courts are bound by the supreme law; in case of conflict between federal and state law, the federal law must be applied. Even state constitutions are subordinate to federal law.

See: BOTH *Cornell University Law School*. "Supremacy Clause" at law.cornell.edu. AND Burnham, William (2006). *Introduction to the Law and Legal System of the United States, 4th ed.* St. Paul: Thomson West. p. 41 for reference to this most mundane and standard of law understandings and caused that the Hearing Officer should be adhering to.

Furthermore the claim that the HO is unable to provide relief based on the claim that she has no jurisdiction or that it is outside the scope of the hearing is false. I am merely asking for proof of jurisdiction as provided by the U.S. Constitution NOTHING MORE.

Although I am under the impression that the Hearing Officer as a retired Judge is required to uphold her Oath of office regarding upholding the U.S. Constitution, especially in light of the above Supremacy Clause, and being beholden to her oath of office even in retirement, I am shocked and bewildered that this seeming Misprison of Felony would be so blatantly engaged in.

DATED: WAIAAAE, Hawai'i, October 14, 2016

BRANNON K. KEALOHA, DATE

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

Contested Case Hearing Re Conservation District Use Application (CDUA) HA-3568 for the Thirty Meter Telescope at the Mauna Kea Science Reserve, Ka'ohe Mauka, Hāmakua, Hawai'i, TMK (3) 4-4-015:009 BLNR Contested Case HA-16-02 Document title: Kamahana Kealoha Motion of Reconsideration on decision to Motion of Ouo Warranto

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by the means indicated on October 10, 2016:

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Brannon Kamahana Kealoha, Date: