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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;) WILLIAM FREITAS
Use Application (CDUA) HA-3568 For the) MOTION TO RECONSIDERATION
Thirty Meter Telescope at the Mauna Kea) OF MINUTE ORDER NO. 43.
Science Reserve, Ka'ohe Mauka, Hamakua,) MEMORANDUM IN SUPPORT OF
Hawai'i TMK(3)4-4-015:009) MOTION TO RECONSIDERATION
) OF MINUTE ORDER NO. 43
) CERTIFICATE OF SERVICE

WILLIAM FREITAS MOTION TO RECONSIDERATION OF MINUTE ORDER NO.
43. MEMORANDUM IN SUPPORT OF MOTION TO RECONSIDRATION,OF
MINUTE ORDER NO. 43.

I William Freitas Pro-se, under threat, duress and coercion to be heard as Intervener in Contested Case HA-16-02 regarding Conservation District Use Application for the Thirty Meter Telescope at Mauna Kea in Kaohe Mauka, Hamakua, Hawaii, TMK (3) 4-4-015:009. This Motion for Hearings Officer to Reconsideration of Minute Order No. 43 Under HAR 13-1-32 and 34, In regards to Doc. No. 553 that has been uploaded to document Library on April 18, 2017 and signed by Hearings Officer Rikimay Amano on April 19, 2017.

Minute order no. 43, "States" deadlines for filing of submission to findings of facts Conclusion of Law HAR 13-1-38 (a) must be received by the DLNR Office of

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2017 April 26 3:30 pm

Coastal Lands, 1151 Punchbowl Street, Room 131, Honolulu, Hawai'i 96813 no

Later than 4:00 pm, On the deadline set forth, May 30, 2017. Responses to decision and order of FOFCL, shall reference specific document number in response to FOFCL of identified Parties to decision and order by June 13, 2017.

This Minute Order no.43 (setting Post-Hearing Deadlines) **“Is Totally Unreasonable and Impossible for a pro-se intervener”** given such a deadline to meet, for reasons being,

1. Work schedule of 3 jobs
2. 3 days a week of 15hours maximum availability to review transcripts
3. My work schedule Wednesday thru Sunday 2:30pm to 11:30pm and library hours Tuesday to Saturday.
4. Library hours in Kona sun-mon closed. Tuesday 12:00-7:00pm, wens-thurs 9:00am-5:00pm, fri 11:00am-5:00am and sat. 9:00am-5:00pm
5. Maximum hours if possible, 15hrs a week.
6. Amount of testimony of 71 witnesses to review during 44days of hearings.
7. Amount of 50 volumes of transcripts @ 240 pages per volume calculates to 12,000 pages to review for proposal of Findings of Facts Conclusion of Law, including case law review to substantiate FOFCL.
8. 800 Exhibits have been entered into evidence and “ 6 Exhibits of William Freitas have been denied by hearings officer with out hearing motion to reconsider these exhibits being denied. Motion to Reconsider Minute Order No. 44, will be filed by deadline.
9. Motion to Reconsider Minute Order No. 43, and Responses to Motion to Reconsideration, and Rulings by Hearings Officer has not even happened yet.
10. On March 02, 2017, hearings officer orally “States” a minute order will be filed by March 23, 2017 to inform all parties of “Exhibits” that will be allowed into Evidence. Then on April 19, 2017 signed by hearings officer to (setting Post-Hearing Deadlines) Doc 553.
11. Doc. 511 TIO, Starts a series of Oppositions to Exhibits to be entered into evidence. Hearings Officer did not Allow time to respond to Oppositions by TIO.
12. Doc. 514 UUH, Starts a series of Oppositions to Exhibits to be entered into evidence. Hearings Officer did not Allow time to respond to Oppositions by UUH.
13. Doc. 523 William Freitas Joinder to temple of Lono, “ Motion to dismiss” HA-3568 Memorandum in support. Hearings Officer did not Respond or give ruling, but ignored filing.
14. Doc. 535 William Freitas Joinder to Mauna Kea Anaina Hou requesting time to respond to exhibit objections in related matters. Hearings Officer did not Respond or give ruling, but ignored filing.
15. Hearings Officer has Made denials of “Exhibits” in favor of TIO and UUH, and yet to answer this Motion to Reconsider Minute Order No.43. and the “Time to Respond” to the Motion to Reconsider Minute Order No. 43.

16. Hearings Officer has yet to review Motion to Reconsider Minute Order No. 44 that will be filed Timely, therewith time to Respond to filing to Motion to Reconsider Minute Order No.44.
17. Era in Transcripts is prominent, and creates more time to be corrected. Hearings Officer has not Given any Guidance as to, How to Address or Make correction to Transcript, and Filing if needed?
18. As Pro-se, Time needed to respond to Exhibits being Denied before FOFCL.

These Reasons Stated above as Pro-se, is Factual and Reasonable for Hearings Officer to rule in favor of this Motion to Reconsideration to Minute Order No. 43.

I William Freitas will Need “90 days” from the time of ruling by Hearings Officer on Motion to Reconsideration to Minute Order No.43

As Stated in Doc. 553 Motion to Reconsider Minute Order No. 43 shall be submitted no later than 5 business Days after the “date” this minute order is filed in the Documents Library. Any responses to motions to reconsider, shall be submitted no later than 5 business days after any Motion to reconsider this Minute Order is filed in the Documents Library.

Any Motion to Reconsider shall be considered a non-hearing motion “unless” otherwise Designated by the Hearing Officer.

MEMORANDUM IN SUPPORT OF MOTION TO RECONSIDERATION OF MINUTE ORDER NO. 43

I William Freitas Pro-se under threat, duress and coercion to be heard in contested case Hearing of proposed TMT conservation district use application, brings **example** of “era” and findings in transcript recordings that is evident of misleading information to hearings officer to Make a non-bias recommendation to BLNR in reference to the CDUA of the proposed TMT Development on Mauna Kea.

Therefore motion to Reconsideration HAR 13-1-39 raises the question of “transcript Recordings” to be relied on and substantial in gathering “Finding of Facts Conclusion of

Law”.

MOTION TO RECONSIDER. A party, who believes it appropriate, may file a motion to reconsider this Minute Order No. 43. Any Motion to Reconsideration shall not be used to reargue the motion or set out positions of a purely repetitious nature or to present factual or legal grounds that could or should have been presented at the original hearing. AMFAC, Inc. v. Waikiki Beachcomber Inv. Co., 74 Haw. 85 114 (1992)

A. EXAMPLE OF TRANSCRIPTS ERA’S


In respect to Court Reporter, an “era” has been recorded that raises confusion as to Who is cross-examining Mr. Gunther Hasinger on 10-27-2016 sited in Tr. Vol. 5 page 386 lines 4-5, states Mr. Freitas and not Mrs. Freitas. According to the “Naleo TV” recording, Mrs. Freitas should be the cross-examiner. Mrs. Freitas the living original person who did the cross-examining pursuant to HRS 91-10: 91-2 and HAR 13-197-19. See Routier v. State 112 S.W.3d 554 (Tex. Crim. App. 2003).

I William Freitas Pro-se reserve the right to make corrections as needed to transcripts and Reserve time to make corrections to all of the 44 volumes and volumes I-IV as deemed.

CONCLUSION.

I William Freitas Pro-se, under threat, duress and coercion for reasons stated in this Motion to Reconsideration of Minute Order No.43, humbly ask Hearings Officer to Rule In Favor of this Motion, and give the time of “90 days” to prepare the proposal of Finding of Facts Conclusion of Law. Mahalo!

Date: April 26, 2017


William Freitas Pro-se

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

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,
Hāmākua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02
Document title:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by email (when indicated):

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Date: *April, 26, 2017*