

William Freitas
P.O. 4650
Kailua Kona HI 96745
pohaku7@yahoo.com

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. 44.
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. 44
) CERTIFICATE OF SERVICE

WILLIAM FREITAS MOTION TO RECONSIDERATION OF MINUTE ORDER NO.
43. MEMORANDUM IN SUPPORT OF MOTION TO RECONSIDERATION, OF
MINUTE ORDER NO. 44.

I. Introduction.

On April 20, 2017 Hearings Officer signed and up loaded Minute Order No. 44 (Documentary Evidence). ("HRS") 91-10(1) and HAR 13-1-35a. In making decisions about the exhibits, whether objected to or not, the Hearing Officer followed the legal standards for admission of evidence.

I William Freitas Pro-se under threat, duress and coercion has reviewed Minute Order No.44, and Motion hearings Officer to Reconsider Minute Order No. 44 for "Denied Exhibits" in favor of TIO and UUH Oppositions to Exhibits T-1.c, T-2.4 T-3.1 T-3.2, T-3.3, T-3.6, T-3.k, T-3.k1, T-3.k2, T-3.k3.

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2017 April 27 1:40 pm

Doc.535 William Freitas Pro-se, under threat duress and coercion, Motion to Joinder Mauna Kea Anaina Hou requesting time to Respond to Exhibit Objections and related matters; Memorandum in support; COS. As Pro-se, no response by Hearings Officer in this matter has been addressed.

II. Argument

A. Issue of “Due Process” by Hearings Officer

Come’s Now, William Freitas Pro-se under threat, duress and coercion of the process Of filings of “Motions” as such, Objections, Replies, Joinders to Responses that were Made, “Stated” by Hearings Officer on March 02, 2017, have left myself as Pro-se in a state of Confusion by no response to Motions Filed Doc. 523 William Freitas Joinder to temple of lono, motion to dismiss HA-3568, and Doc.535 William Freitas Joinder to Mauna Kea Anaina Hou motion requesting time to respond to exhibit Objections and Related matters; COS to Doc, 511 TIO and Doc. 514 Opposition to Exhibits entered into Evidence.

As Pro-se relying on Transcripts to substantiate my proposal of Findings of Facts Conclusion of Law, therewith Exhibits entered into evidence by hearing Officer as “Stated” in Transcript as follows:

The Hearing Officer on March 2, 2017 stated “the exhibits be moved into evidence is by written motion. It should say, Deborah Ward Motion to Move into evidence, and lay out whatever exhibits you want. The deadline for that is March 9th. So if you have things coming up today or yesterday or last week and didn’t have the time to move it into the document, library so that it could be uploaded, do that before March 9th Because then on March 9th, you’re going to move everything that is in the document library for you into evidence. After that, we’re not going to take any more uploading. A week later, March 16th, you may file if you wish, objections, responses, replies, joinders to the motion that were made. So if you have an objection to B-12, you may file an objection saying that we object to whoever is offering B-12, and here’s the reason why. And then a week later, March 23rd, I will, by Minute Order, identify all the exhibits that I will be receiving in evidence. And those are the documents

that—the documents are in evidence. And that will be close of the hearing. No other evidence will be allowed.” March 2, 2017 Tr. Vol 44, Page 288 Line 1-22; HAR 13-1-35

In review of this instructions by Hearings Officer, in record “Notarized as a true record”

To rely on as Pro-se, “Confirms that Hearings Officer had over looked the “time” needed for “responses” to, TIO and UUH Motion to Opposition to Exhibits entered into evidence causes another “Cart before the Horse” syndrome, raises the “Due Process” Flag.

“This is a violation that needs to be corrected to proceed this Hearing forward”

B. Exhibits Denied in by Hearings Officer

I William Freitas Pro-se is challenged by the Hearings Officer Denying Exhibits That is pertinent to this Contested Case Hearing for my Proposal to FOFCL for Hearings Officer to make a recommendation to BLNR.

Exhibits (T’s) that have been Denied in behalf of William Freitas Pro-se by Hearings Officer, with no instructions, in Consideration of UUH are as follows:

1. T-1.c United Nations Declaration of Rights for Indigenous Peoples
2. T-2.4 United States Public Law 103-150
3. T-3.1 Comprehensive Management Plan of OMKM dated April 2009
4. T-3.2 HRS Article XII Section 7 Law protection for Native Hawaiians
5. T-3.3 HRS 711-1107 Law of Desecration
6. T-3.6 HAR 13-5-30(c) 8 Criteria
7. T-3.k Request for Access A Government Record
8. T-3k1 Video: IMG 5297 Copy
9. T-3k2 Request for Access A Government Record
10. T-3.k3 Pictures of Desecration to Hale Ku Kia’i Mauna (Litter Sanitation)

Exhibits T-1.c, T-1.4, T-3.2, T-3.3 are Law’s Pertinent to my Proposal of FOFCL and Need to be entered into evidence.

Exhibits T-3.1 CMP dated April 2009 is a original version than the UUH Exhibit A-9

Dated January 2009. William Freitas Pro-se is referencing the original version for FOFCL. "Needs to be entered for my FOFCL proposal".

Exhibits T-3.6 DLNR 8 criteria is the standard of the UUH proposed application to The CDUA, therefore this should be allowed into evidence to reference parts of the 8 Criteria that do not meet the standard set by DLNR to be consistent with any Development in Conservation Land On Mauna Kea.

Exhibits T-3K, T-3K1, T-3K2, T-3K3 TIO and UUH claims that Exhibits are Filed "Late".

This cannot be true if William Freitas Pro-se is to rely on Transcript of Hearings Officer March 02, 2017, As cited in this Motion to Reconsideration of Minute Order No. 44 in "**A. Issues of "Due Process" by Hearings Officer**", third paragraph down "States" in Transcript as follows:.

The filing of these Exhibits were filed Timely according to instruction by Hearings Officer on March 02, 2017 for filing any additional Exhibits by March 09, 2017 stated in Third sentence in Transcript.

Exhibits T-3k, and T-3k1, in Doc. 493 were filed March 05, 2017 before March 09, 2017 deadline for Exhibit submission, and uploaded March 17, 2017.

TIO and UUH did not inspect the actual submission date of Doc. 493 W-Freitas -1st-Supplemental Exhibits.

Hearing Officer agreed with TIO and UHH in consideration and Denied Exhibits.

Hearing Officer should allow these Exhibits into evidence, HRS 91-10.

Exhibits T-3k2, and T-3k3, in Doc. 501 were filed March 08, 2017 before March 09,

2017 deadline for Exhibit submission, and uploaded March 17, 2017.

Again TIO and UUH did not inspect the actual submission date of Doc. 501

W-Freitas-second-supplemental Exhibits.

Hearings Officer again agrees with TIO and UUH in consideration and Denied Exhibits

Hearings Officer should allow these Exhibits into evidence, HRS 91-10.

II. Conclusion

I William Freitas Pro-se, under threat, duress, and coercion to be heard in this contested Case to CDUA HA-3568, Humbly ask Hearings Officer to Reconsider Exhibits Denied

And allow Exhibits T-1.c, T-2.4, T-3.1, T-3.2, T-3.3, T-3.6, T-3.k, T-3.k1, T-3.k2, T-3.k3

HRS 91-10, Therewith instructions to exhibits being challenged, and Time to respond.

Mahalo!

Dated April 27, 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,
Hāmakua, 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):

Carlsmith Ball LLP
Ian Sandison, John P. Manaut, Lindsay N. McAneeley
1001 Bishop Street
ASB Tower, Suite 2200
Honolulu, HI 96813
isandison@carlsmith.com
jpm@carlsmith.com
lmcaneley@carlsmith.com
Counsel for the Applicant University of Hawai'i at Hilo

Law Offices of Yuklin Alulu
415-C Uluniu Street
Kailua, HI 96734
yuklin@kailualaw.com
Co-Counsel for Kahea

Dexter K. Kaiama
111 Hekili Street, #A1607
Kailua, HI 96734
cdex@hotmail.com
Co-Counsel for Kahea

Kealoha Pisciotta and Mauna Kea Anaina Hou
PO Box 5864
Hilo, HI 96720
keomaivg@gmail.com

Clarence Kukauakahi Ching
64-823 Mamalahoa Hwy
Kamuela HI 96743
kahiwaL@cs.com

Flores-Case 'Ohana
E. Kalani Flores, B. Pualani Case
PO Box 6918
Kamuela, HI 96743
ekflores@hawaiiantel.net

Deborah J. Ward
PO Box 918
Kurtistown, HI 96760
cordylinecolor@gmail.com

Paul K. Neves
380 Nahale-a Avenue
Hilo, HI 96720
kealiikea@yahoo.com

Watanabe Ing LLP
J. Douglas Ing, Ross T. Shinyama, Summer H. Kiawe
First Hawaiian Center 999 Bishop Street, 23rd Floor
Honolulu, HI 96813
rshinyama@wik.com
douging@wik.com
Counsel for TMT International Observatory, LLC

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

Mehana Kihoi
PO Box 393
Honaunau, HI 96726
uhiwai@live.com

C. M. Kaho'okahi Kanuha
77-6504 Maile St
Kailua Kona, HI 96740
kahookahi@gmail.com

Joseph Kualii Lindsey Camara
192 Kualua Pl.
Hilo, 96720
kualiic@hotmail.com

Torkildson, Katz, Moore, Hetherington & Harris
Attn: Lincoln S. T. Ashida
120 Pauahi Street, Suite 312
Hilo, HI 96720-3084
lsa@torkildson.com
njc@torkildson.com
*Counsel for Perpetuating Unique Educational
Opportunities (PUEO)*

J. Leina'ala Sleightholm
P.O. Box 383035
Waikoloa, HI 96738
leinaala.mauna@gmail.com

Lanny Alan Sinkin
P. O. Box 944
Hilo, HI 96721
lanny.sinkin@gmail.com
Representative for The Temple of Lono

Kalikolehua Kanaele
4 Spring Street
Hilo, HI 96720
akulele@yahoo.com

Stephanie-Malia:Tabbada
P O Box 194,
Naalehu, HI 96772
s.tabbada@hawaiiantel.net

Tiffnie Kakalia
549 E. Kahaopea St.
Hilo, HI 96720
tiffniekakalia@gmail.com

Glen Kila
89-530 Mokiawe Street
Waianae, HI 96792
makakila@gmail.com

Dwight J. Vicente
2608 Ainaola Drive
Hilo, Hawaiian Kingdom

Brannon Kamahana Kealoha
89-564 Mokiawe Street
Nanakuli, HI 96792
brannonk@hawaii.edu

Cindy Freitas
PO Box 4650
Kailua Kona, HI 96745
hanahanai@hawaii.rr.com

William Freitas
PO Box 4650
Kailua Kona, HI 96745
pohaku7@yahoo.com

Wilma H. Holi
P. O. Box 368
Hanapepe, HI 96716
w_holi@hotmail.com
Hearing Officer's witness

Moses Kealamakia Jr.
1059 Puku Street
Hilo, HI 96720
mkealama@yahoo.com
Hearing Officer's witness

Signature:

Name: William Freitas

Date: March/27/2017