

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF	)	CASE NO. BLNR-CC-16-002
)	
Contested Case Hearing Re Conservation District	)	Minute Order No. 60
Use Application (CDUA) HA-3568 For the	)	(Order Denying Mehana Kihoi's
Thirty Meter Telescope at the Mauna Kea Science	)	Motion for Reconsideration to
Reserve, Ka`ohe Mauka, Hamakua, Hawai`i	)	Deny the Intervention of
TMK (3) 4-4-015:009	)	Perpetuating Unique Educational
	)	Opportunities as a Party in the
	)	Contested Case Hearing
	)	(Doc. 380))
)	
	)	Certificate of Service

MINUTE ORDER NO. 60

(Order Denying Mehana Kihoi's Motion for Reconsideration to Deny the Intervention of Perpetuating Unique Educational Opportunities as a Party in the Contested Case Hearing (Doc. 380))

Mehana Kihoi filed a Motion for Reconsideration to Deny the Intervention of Perpetuating Unique Educational Opportunities as a Party in the Contested Case Hearing; Memorandum in Opposition of Motion (Doc. 380) on October 15, 2016 ("Motion"). In addition to the Motion, the following submissions were considered:

Doc. #	Filed	Party	Title
390	10-18-16	Kanaele	Petitioner Kalikolehua Kanaele Joining Mehana Kihoi's Motion for Reconsideration to Deny the Intervention of Perpetuating Unique Educational Opportunities as a Party in the Contested Case Hearing
396	10-19-16	PUEO	Perpetuating Unique Educational Opportunities, Inc.'s Memorandum in Opposition to Mehana Kihoi's Motion for Reconsideration to Deny the Intervention of Perpetuating Unique Educational Opportunities as a Party in the Contested Case Hearing [Doc. 380]; Memorandum in Opposition of Motion

Received
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Department of Land and Natural Resources
State of Hawaii
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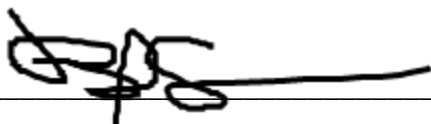
By this Motion, Mehana Kihoi ostensibly seeks to have Minute Order No. 28 (Doc. 351) reconsidered. Ms. Kihoi contends that a conflict of interest exists between BLNR Board member, Stanley Roehrig, and Shadd Keahi Warfield, a member of Perpetuating Unique Educational Opportunities (“PUEO”). She asserts that the alleged conflict of interest precludes PUEO from being a party in this contested case hearing.

The Motion is replete with repetitive positions previously argued by Ms. Kihoi on this issue. There are no new facts or legal grounds offered by Ms. Kihoi that could not or were not presented at the August 5, 2016 hearing on Mehana Kihoi’s Motion to Deny the Intervention of Perpetuating Unique Educational Opportunities as a Party in the Contested Case Hearing (Doc. 98) that resulted in Minute Order 28, the subject of this Motion for reconsideration. Nothing in Ms. Kihoi’s Motion for Reconsideration or Kalikolehua Kanaele’s Joinder (Doc. 390), changes the underlying basis articulated in Minute Order 28 for the decision: “There is no basis in the law to preclude PUEO’s participation as a party on the conflict of interest bases asserted by movant.” Minute Order 28 at page 3.

Based upon the Motion, all related submissions from counsels and/or parties, all applicable law, the entire record having been considered by the Hearing Officer,

IT IS HEREBY ORDERED that the Motion is DENIED.

DATED: Honolulu, Hawai`i, June 5, 2017.



Judge Riki May Amano (Ret.)
Hearing Officer

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

BLNR Contested Case HA-16-02
Document title: **Minute Orders 60-67**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced documents were served upon the following parties by email (when indicated) on June 5, 2017 and by regular mail on June 5, 2017:

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June 5, 2017