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2017 MAY 16 P 2:52

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DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

Attorney for Landowners  
**ELIZABETH DAILEY**  
**AND MICHAEL K. DAILEY**

**BOARD OF LAND AND NATURAL RESOURCES**

**STATE OF HAWAII**

In The Matter of a Contested Case to the Board)	DLNR File No. OA-07-06
of Land and Natural Resources re alleged )	(Contested Case Hearing)
violation for repair and reconstruction of a )	
boulder revetment at Mokulei'ia, District of )	<b>LANDOWNERS ELIZABETH DAILEY</b>
Waialua, O'ahu, TMK (1) 6-8-003:018. )	<b>AND MICHAEL K. DAILEY'S</b>
)	<b>RESPONSE TO EXCEPTIONS TO</b>
)	<b>PROPOSED FINDINGS OF FACT,</b>
)	<b>CONCLUSIONS OF LAW, &amp;</b>
)	<b>DECISION AND ORDER ON</b>
)	<b>REMAND; CERTIFICATE OF</b>
)	<b>SERVICE</b>
)	
)	<b>Date: May 26, 2017</b>
)	<b>Time: 8:00 a.m.</b>
)	

**LANDOWNERS ELIZABETH DAILEY AND MICHAEL DAILEY'S  
RESPONSE TO EXCEPTIONS TO PROPOSED FINDINGS OF  
FACT, CONCLUSIONS OF LAW, & DECISION AND ORDER ON REMAND**

Pursuant to Haw. R. Admin. § 13-1-42 and Minute Order No. 22 entered herein, respondent landowners and appellants on remand, Elizabeth Dailey and Michael Dailey ("the Daileys") submit their response to the exceptions filed by Petitioner/Appellee Department of Land and Natural Resources/Office of Conservation and Coastal Lands ("DLNR").

DLNR has refused to accept the circuit court's ruling. Its exceptions ask the Board, in contravention of the circuit court's order, to disregard the order. This is improper and the Board should reject the exceptions because the circuit court's order is the law of the case.

The DLNR exceptions also go beyond the limited scope of exceptions that the Board indicated would be entertained in Minute Order No. 22.

The Daileys incorporate by reference all of their prior objections and exceptions, including but not limited to those filed on July 16, 2015, and those filed on January 24, 2014. For all the reasons previously stated, the Board should have ruled in favor of the Daileys and against DLNR.

DATED: Honolulu, Hawaii, May 16, 2017.

DAMON KEY LEONG KUPCHAK HASTERT



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GREGORY W. KUGLE  
Attorney for Landowners  
ELIZABETH DAILEY AND  
MICHAEL DAILEY

**BOARD OF LAND AND NATURAL RESOURCES**

**STATE OF HAWAII**

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Waialua, O'ahu, TMK (1) 6-8-003:018. )  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this date, a true and correct copy of the foregoing document will be duly served on the following parties via hand delivery at their last known address as follows:

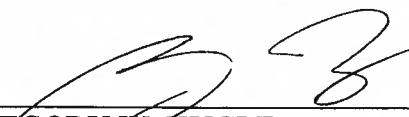
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Hearing Officer

DATED: Honolulu, Hawai'i, May 16, 2017.

DAMON KEY LEONG KUPCHAK HASTERT



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GREGORY W. KUGLE  
Attorney for Landowners  
ELIZABETH DAILEY and  
MICHAEL DAILEY