State of Hawaii  
Department of Land and Natural Resources  
Civil Resource Violations System  

ADMINISTRATIVE SANCTIONS SCHEDULE  

Adopted on March 13, 2009  

By the Board of Land and Natural Resources  

TABLE OF CONTENTS  

Item 1-1. Objective  
Item 1-2. Legal Authority  
Item 1-3. Applicability  
Item 1-4. Denial of Application for Cause  
Item 1-5. Delegation of Power to Suspend Permits and Licenses Issued by the Department  
Item 1-6. Delegation of Power to Revoke Permits and Licenses Issued by the Department  
Item 1-7. Interpretation of the Schedule  
Item 1-8. Standard Forms  
Item 1-9. Effective Dates  

Appendix 1-A. Standard Form – Notice of Civil Resource Violation(s)  

Part 2. Division of Aquatic Resources (DAR)  
Item 2-1. Violations Pertaining to the Filing of Commercial Marine License (CML) Fishing Catch Reports  

Appendix 2-A. DAR Administrative Sanctions Table  

Part 3. Division of Boating and Ocean Recreation (DOBOR)  
Item 3-1. Violations Pertaining to the Registration of Vessels  
Item 3-2. Unauthorized Mooring of a Vessel  
Item 3-3. Unauthorized Commercial Use of Boat Launching Ramps or Other Boating Facilities of the State  
Item 3-4. Unauthorized Recreational Use of Boat Launching Ramps or Other Boating Facilities of the State  

Appendix 3-A. DOBOR Administrative Sanctions Table
State of Hawaii  
Department of Land and Natural Resources  
Civil Resource Violations System  

ADMINISTRATIVE SANCTIONS SCHEDULE  

Adopted on March 13, 2009  

By the Board of Land and Natural Resources  

The following Administrative Sanctions Schedule is adopted as a guideline for the Department of Land and Natural Resources to be used under the Civil Resource Violations System (CRVS).

PART 1. GENERAL PROVISIONS

Item 1-1. Objective

This Administrative Sanctions Schedule ("Schedule") seeks to provide a Department-wide standard policy guideline for all divisions of the Department of Land and Natural Resources (DLNR or “Department”) in processing the civil resource violations so as to promote:

- Voluntary compliance of state law for the protection of Hawaii’s natural and cultural resources,  
- Fair and cost-effective process for all parties involved, and  
- Deterrence of violations.

Item 1-2. Legal Authority

This Schedule is adopted pursuant to §171-6 and Chapter 199D, Hawaii Revised Statutes (HRS), §13-1-70, Hawaii Administrative Rules (HAR), and other statutes and administrative rules of the Department.

Item 1-3. Applicability

The Department shall follow this Schedule when processing a civil resource violation under the CRVS pursuant to Chapter 13-1, Subchapter 7, HAR.

Item 1-4. Denial of Application for Cause
If a person is a respondent in a pending case with the CRVS, the Department may deny any application submitted by such person to the Department for any regulatory permit, license, or a renewal of such, or may issue one with additional conditions upon full payment of the CRVS fines assessed, subject to the review by a hearing officer and the Board or its delegate if the CRVS case is properly contested.

Item 1-5. Delegation of Power to Suspend Permits and Licenses Issued by the Department

(a) Unless otherwise provided by law or in this Schedule, if a respondent has been issued a CRVS violation notice for any violation related to a particular DLNR permit or license issued to or held by the respondent and fails to comply with the notice within 21 days of the service of the notice, the Chairperson is authorized to suspend the permit or license until the respondent comes into full compliance with all sanctions and requirements imposed through the CRVS.

(b) A suspension of a permit or license shall mean that the permittee or licensee is not entitled to conduct any activity pursuant to the permit or license until such time as the permit or license is reinstated. Suspension of a permit or license will not affect the expiration of the term of the permit or license.

(c) The Chairperson may reinstate a suspended permit or license for good cause at any time upon petition of the respondent.

(d) The Division Administrator shall reinstate a suspended permit or license upon a determination that the respondent has come into full compliance with the law and all violation notices previously issued.

Item 1-6. Delegation of Power to Revoke Permits and Licenses Issued by the Department

(a) Unless otherwise provided in this Schedule, if a respondent is found to have committed three offenses under this Schedule in the past twelve months for any violation of state law or the terms or conditions of a particular DLNR permit or license issued to or held by the respondent, the Chairperson is authorized to revoke the permit or license for a period not to exceed six month.

(b) If a permit or license revoked under this Schedule expires before the end of the revocation period, the revocation shall continue to be enforced by denying any application for the renewal or new issuance of a permit or license until the revocation period is over.

(c) For good cause, the Chairperson may withdraw a revocation of a permit or license.
After the revocation period, the Division Administrator may reissue a revoked permit or license upon the respondent’s application for renewal and payment of the fee that the Department charges for the renewal of the permit or license.

Item 1-7. Interpretation of the Schedule

The Chairperson and a hearing officer appointed pursuant to §13-1-57, HAR, shall have the power to interpret this Schedule, subject to review by the Board.

Item 1-8. Standard Forms

(a) The Chairperson may make minor modifications and corrections to a standard form adopted by the Board for use in the CRVS if deemed necessary.

(b) The Department shall use the standard form of Notice of Civil Resource Violation(s), as attached in Appendix 1-A, when preparing a violation notice pursuant to §13-1-62, HAR.

Item 1-9. Effective Dates

This Schedule and its subsequent amendments shall be effective upon adoption by the Board.

Appendix 1-A. Standard Form – Notice of Civil Resource Violation(s)
TO RESPONDENT: Any administrative proceedings instituted pursuant to this Notice shall not preclude the State from pursuing separate criminal prosecution against you for an offense committed in the same course of conduct.

COMPLAINT: The undersigned official/officer of the Department of Land & Natural Resources (DLNR) states that the named respondent did commit the civil resource violation(s) noted below.

A. RESPONDENT INFORMATION

<table>
<thead>
<tr>
<th>Last Name / Company Name</th>
<th>First Name, M.I.</th>
<th>Sex</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>M</td>
</tr>
</tbody>
</table>

Street Address | City | State & ZIP (Country) |

ID Type | Issued By | ID No. | Juvenile | Phone |

B. VEHICLE / VESSEL INFORMATION (If applicable)

| Vehicle | License Plate No., VIN / Vessel Type, ID, Name | License State | Year / Make / Model / Color |

C. STATEMENT OF FACTS

Date | Time | a.m. | p.m. | Violation Site: Island / Location / TMK

DESCRIPTION: (Specify any witness, evidence, damage, injury and seizure. Attach additional sheet if needed.)

D. CITATION(S)

<table>
<thead>
<tr>
<th>No.</th>
<th>Authority</th>
<th>Civil Resource Violation</th>
<th>Comply in 21 days</th>
<th>After 21 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>2</td>
<td>$</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>3</td>
<td>$</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

TOTAL ADMINISTRATIVE FINE ASSESSED >>> $ $ 

F. OTHER SANCTIONS AND REQUIREMENTS

TO RESPONDENT: In addition to any fines assessed in Section E, you must comply with the following sanctions and/or requirements within 21 days of the service of this Notice, unless a different period is provided in this section below:

G. ISSUANCE AND SERVICE

F.I. & Last Name | Agency | Signature | Service: | Issued by APO: |
|------------------|--------|-----------|----------|----------------|

H. ACKNOWLEDGEMENT

I acknowledge the receipt of this Notice. This is not an admission of responsibility.

Respondent Signature

>>> CONTINUE TO BACK PAGE >>>

Form APO-1

Page 1 of 2

Original – Office, Duplicate – Respondent
I. SUMMONS TO RESPONDENT

Pursuant to §199D-1, HRS, and §13-1-63, HAR, you are hereby summoned and required to submit an answer to this Notice within twenty-one (21) days from the date of service of this Notice. Submit your answer, payment, statement and/or evidence to DLNR/APO, 1151 Punchbowl Street, Room 130, Honolulu, Hawaii 96813, or at www.hawaii.gov/dlnr/apo. If you fail to answer within 21 days, a default decision for the relief demanded in this Notice will be entered against you, and you may be subject to additional actions without further notice to you.

J. ANSWER BY RESPONDENT (Required)

INSTRUCTIONS:

1. You have three options in answering this Notice. CHOOSE ONLY ONE and check the corresponding box below. Sign and date your answer and return it to the DLNR Administrative Proceedings Office (DLNR/APO) at the address listed above or answer at the website address listed above.

2. If you choose Option 1, include with your answer payment in the amount stated in the first column of Section E if you are answering within 21 days of receiving this Notice or in the amount stated in the second column if after 21 days. Make your check payable to State of Hawaii. For credit card payment, see attached envelope. You are also required to comply with all sanctions and requirements specified in Section F. Your case will be concluded.

3. If you choose Option 2, include with your answer a statement and evidence showing the mitigating circumstances. A hearing officer will review your request and render a decision without holding a hearing, and may adopt, modify or reverse any sanctions assessed in this Notice. This decision is final and may not be contested or appealed.

4. If you choose Option 3, include with your answer a statement and evidence showing the reasons of your contest. A Notice of Administrative Hearing will be mailed to you within 30 days of your answer.

5. If answer by mail, return this original page to DLNR/APO. Retain a copy of everything you submit for your records.

For inquiries, contact DLNR/APO at (808) 587-1496, DLNR.CO.APO@hawaii.gov or www.hawaii.gov/dlnr/apo.

<table>
<thead>
<tr>
<th>Option 1: Comply</th>
<th>Option 2: Request Mitigation</th>
<th>Option 3: Contest</th>
</tr>
</thead>
<tbody>
<tr>
<td>I DO NOT contest this Notice, and have complied with all sanctions assessed herein.</td>
<td>I DO NOT contest this Notice, but request mitigation in the assessed sanctions.</td>
<td>I DO contest this Notice, and request an administrative contested case hearing.</td>
</tr>
</tbody>
</table>

STATEMENT OF RESPONDENT: (Please type or write legibly. Use additional sheet if necessary.)

Print your name: ____________________________ Signature: ____________________________ Date: ____________________________
Address: ____________________________ E-Mail: ____________________________ Phone: ____________________________