

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Boating and Ocean Recreation  
Honolulu, Hawaii

February 24, 2017

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawai'i

Hawai'i

Administrative Enforcement Action for Violation of Hawaii Administrative Rules,  
Section 13-231-5: Business Activities, Against Mr. Henry Pomroy for Engaging in  
Illegal Commercial Operations from the Pohoiki Boat Ramp and Lands Adjacent  
Thereto Without a Commercial Use Permit

**SUMMARY:**

This submittal requests that the Board find Mr. Henry Pomroy in violation of Hawaii Administrative Rules (HAR) § 13-231-51 Business activities: No person shall engage in any business or commercial activity at any small boat harbor or other small boat facility without: (1) Prior written approval of the department; or (2) The proper execution of an agreement with the department. The department recommends that the Board assess an administrative fine of ten thousand dollars (\$10,000.00) pursuant to Hawaii Revised Statutes (HRS) § 200-14.5.

Against:	Mr. Henry Pomroy
Date(s) of Incident(s):	August 6, 2016 – December 28, 2016
Location of Incident(s):	Pohoiki Boat Launching Ramp, Hawaii
Violation:	Violation of Hawaii Administrative Rules, Section 13-231-5: Business Activities, for Engaging in Illegal Commercial Operations.

**INTRODUCTION:**

Mr. Pomroy's illegal commercial activity from the State Boat Launching Ramp, Pohoiki, and ocean waters has been observed by Division of Conservation and Resources Enforcement (DOCARE) officers on two occasions. Mr. Pomroy was notified that his commercial activities required a commercial use permit for the area; he therefore had full knowledge of the existing permit requirements before being cited for a violation of Division of Boating and Ocean Recreation (DOBOR) rules. As exemplified below, Mr. Pomroy repeatedly conducted illegal commercial activity from the Pohoiki Boat Launching Ramp despite being on notice that commercial operations in that area are subject to permitting regulations. Based on the analysis below, DOBOR staff recommends that an administrative fine of ten thousand dollars (\$10,000.00) be levied against Mr. Pomroy.

FACTUAL BACKGROUND:

Mr. Pomroy nor any other person or entity associated with the recreational registered vessel HA-9689-H has been issued a commercial use permit by the Division of Boating and Ocean Recreation as required by HAR 13-231-51 to conduct business or commercial activities at any small boat harbor or facility.

Mr. Pomroy is not a holder of a valid U.S. Coast Guard issued Merchant Mariners License as required by 46 Code of Federal Regulation §15.401 to operate a vessel carrying passengers for hire.

DOCARE officers positively identified Mr. Pomroy as the violator by his social security number and Hawaii driver's license. DOCARE investigation reports, which include witness statements and photographic evidence of his unlawful activity, are attached as Exhibit "A."

The following timeline is presented to summarize the incidents that took place starting on August 16, 2016, pertaining to the alleged violation of HAR § 13-231-51 by Mr. Pomroy as well as the subsequent events in which Mr. Pomroy was witnessed and/or cited for illegally conducting commercial operations from the Pohoiki Boat Launching Ramp without a permit.

August 16, 2016: Mr. Pomroy was documented by DOCARE, East Hawaii Branch, conducting commercial operations from the Pohoiki Boat Launching Ramp under the name "Hookupu Fish Company, LLC," trailered vessel HA 9689 H, without a valid commercial use permit issued by the department, a violation of HAR §13-231-51. DOCARE Investigation Report #17-111-HA, attached as **Exhibit "A"**.

September 14, 2016: Based on reports from DOCARE officers and a determination that the trailered vessel HA 9689 H, owned and operated by Mr. Pomroy, was conducting commercial operations, a Cease & Desist Commercial Operations letter, dated September 14, 2016, was issued by DOCARE on behalf of DOBOR to the owners of Hookupu Fish Company, LLC. The Cease & Desist letter, attached as **Exhibit "B"** was sent via certified mail with proof of delivery.

October 27, 2016: Mr. Pomroy was documented by DOCARE, East Hawaii Branch, (DOCARE report # 17-0328-HA) conducting commercial vessel operations from the Pohoiki Boat Launching Ramp under the name "Hookupu Fish Company, LLC," trailered vessel HA 9689 H, without a valid commercial use permit issued by the department. Two passengers admitted to paying \$150 each to view the lava flow from HA 9689 H. On this date, Mr. Pomroy was issued a citation by DOCARE for violation of HAR § 13-244-15.5(a), failure to have a Boating Safety Course Certificate of Completion (Mr. Pomroy is also not a holder of a valid U.S. Coast Guard Merchant Mariners License), and was issued a verbal warning for violation of HAR § 13-241-10, Expired Certificate of Numbers.

December 28, 2016: Mr. Pomroy was documented by DOCARE, East Hawaii Branch, conducting commercial vessel operations from the Pohoiki Boat Launching Ramp using trailered vessel HA 9689 H, without a valid commercial use permit issued by the department.

January 8, 2017: Mr. Pomroy was documented again by DOCARE, East Hawaii Branch, conducting commercial operations from the Pohoiki Boat Launching Ramp under the name “Hookupu Fish Co./Lava Tours,” trailered vessel HA 9689 H, was observed operating without a valid commercial use permit issued by the department amounting to another documented violation of HAR §13-231-51. Four passengers admitted to paying \$175 each to view the lava flow from HA 9689 H. DOCARE report #17-0602-HA attached as **Exhibit “C”**.

REGULATORY AUTHORITY FOR ENFORCEMENT:

*A. Applicable Hawaii Administrative Rules:*

*1. Rule Violated:*

HAR § 13-231-51 prohibits unpermitted commercial activity without issuance of a Use Permit by the department as follows:

No person shall engage in any business or commercial activity at any small boat harbor or other small boat facility without:

- (1) Prior written approval of the department; or
- (2) The proper execution of an agreement with the department.

*2. Relevant Definitions:*

HAR § 13-230-8 defines “Business” as: “all professions, trades, occupations, and callings carried on for a profit or livelihood, every kind of commercial enterprise, and the operation of games, machines, or mechanical devices.”

HAR § 13-230-8 defines “Commercial activity” as “the use of or activity for which compensation is received by any person for goods or services or both rendered to customers or participants in that use or activity. Display of merchandise or demanding or requesting gifts, money, or services, shall be considered a commercial activity.”

HAR § 13-230-8 defines “Vessel carrying passengers for hire” as “any vessel which is used for the carriage of any person or persons for a valuable consideration whether directly or indirectly flowing to the owner, charterer, operator, agent, or any person who has a lien on the vessel.”

*3. Relevant Rules:*

HAR § 13-231-54 Commercial vessel: ““Commercial vessel” as used in this subchapter means a vessel engaged in any trade or business including, but not limited to, carrying passengers for hire, charter fishing, bare boat (demise) or any type of charter maintenance, harvesting coral or similar resources, construction, towing, tow-boating, or other trade or business wherein the

vessel is used in any manner to promote the venture, or is registered with the State or documented by the United States Coast Guard for commercial use.”

HAR § 13-231-3(a)(6) Use permits issuance: “(a) “Use permit” as used in these rules means the authorization by the department to utilize state boating facilities, offshore mooring areas, offshore mooring, state ocean waters, and navigable streams, as evidenced by the fully executed “agreement” described in section 13-231-2. The department may issue the following types of use permits:

(6) Commercial use permit. A use permit which authorizes the owner of a commercial vessel to engage in commercial activities as specified in the permit.” (Subsections 1-5, 7, and 8 omitted).

HAR § 13-231-67(a) and (d)(20) Limitation on commercial use permits issued for the use of state boat launching ramps: “(a) State boat launching ramps were constructed for the primary purpose of providing access to the waters of the State for trailered boats... The owner of a trailered vessel shall be required to obtain a commercial use permit and comply with all other rules of the department governing commercial vessel activities.

(d) The maximum number of commercial use permits which may be issued for the use of the following launching ramps are:

(20) Pohoiki – 4” (Subsections 1-19, 21-24 omitted).

*B. Administrative fines authorized for violations of HAR § 13-256-39*

HAR § 13-230-4(b) provides that “the board is authorized to set, charge, and collect administrative fines and to recover administrative fees and costs, including attorney’s fees and costs, or bring legal action to recover administration fines, fees and costs, including attorney’s fees and costs, or payment for damages or for the cost to correct damages resulting from violation of subtitle 8 of title 12 or any rule adopted thereunder in accordance with section 200-14.5, Hawaii Revised Statutes. Each day or instance of violation shall constitute a separate offense.”

HRS § 200-14.5(a) General administrative penalties, also affirms the Board’s discretion to levy administrative fines: “Except as otherwise provided by law, the board is authorized to set, charge, and collect administrative fines and to recover administrative fees and costs, including attorney’s fees and costs, or bring legal action to recover administrative fines and fees and costs, including attorney’s fees and costs, or payment for damages or for the cost to correct damages resulting from a violation of subtitle 8 of title 12 or any rule adopted thereunder. Each day or instance of violation shall constitute a separate offense.”

HRS § 200-14.5(c) sets the fine limits for all violations not involving pollution of the waters of the State as follows:

- (1) For a first violation or a violation beyond five years of a previous violation, a fine of not more than \$5,000;
- (2) For a second violation within five years of a previous violation, by a fine of not more than \$10,000; and
- (3) For a third or subsequent violation within five years of the last violation, by a fine of not more than \$15,000.

**APPLICATION OF LAW AND RECOMMENDED FINE:**

*A. Mr. Pomroy's actions fall under HAR definitions and are therefore subject to administrative action.*

Based on the definitions in DOBOR administrative rules, Mr. Pomroy was clearly engaged in "commercial activity" when loading and unloading passengers at the Pohoiki Boat Launching Ramp. Additionally, witness statements taken by DOCARE officers in Exhibit "A" further establish that Mr. Pomroy was unlawfully operating a vessel in a commercial capacity and acknowledge that Mr. Pomroy was paid for the service of providing a tour, which clearly falls within the regulatory definitions of "business", "commercial activity", and "vessel carrying passengers for hire" as described above.

*B. Mr. Pomroy did not comply with HAR requirements and restrictions.*

Mr. Pomroy did not receive prior written approval from the department nor did he execute an agreement with the department to operate commercially from the Pohoiki Boat Launching Ramp. Mr. Pomroy was witnessed by DOCARE officers operating with passengers for hire without a valid commercial use permit at the Pohoiki Boat Launching Ramp on two occasions and therefore violated HAR § 13-231-51.

*C. Criminal action against Mr. Pomroy for violation of HAR § 13-231-51 does not preclude civil administrative action.*

Mr. Pomroy was issued a citation for violation of HAR § 13-231-51 and is scheduled for a criminal hearing. HRS § 200-14.5(d) states that "Any criminal action against a person for any violation of subtitle 8 of title 12 or any rule adopted thereunder shall not preclude the State from pursuing civil legal action to recover administrative fines, fees and costs, or damages against that person. Any civil legal action to recover administrative fines, fees and costs, or damages for any violation of subtitle 8 of title 12 or any rule adopted thereunder shall not preclude the State from pursuing any appropriate criminal action against that person. All fines, fees and costs, or damages recovered by the department under this section shall be deposited in the boating special fund." Therefore, the existence and outcome of Mr. Pomroy's criminal trial does not preclude or influence the Board's ability to levy civil administrative fines against Mr. Pomroy.

*D. Maximum fine authorized by Statute*

Pursuant to HAR § 13-230-4(b), “[e]ach day or instance of violation shall constitute a separate offense.” As evidenced by the attached DOCARE report, Mr. Pomroy was observed and cited on two occasions for conducting unauthorized commercial activity in violation of HAR § 13-231-51. The maximum fine for Mr. Pomroy’s violations, as authorized by HRS § 200-14.5(c), can therefore be no more than ten thousand dollars (\$10,000.00). DOBOR staff recommends that the maximum fine for Mr. Pomroy’s two violations, as set by HRS § 200-14.5(c), be levied at this time.

There are no mitigating factors that DOBOR staff believes would justify a lesser fine than the maximum fine for the two violations. Mr. Pomroy had full notice of the applicable regulations and chose to violate them on an additional occasion even after he was initially warned for unpermitted commercial activity. DOBOR believes that unless there are consequences for violating HRS and HAR provisions, people do not have an incentive to abide by the rules and directions of DOCARE and DOBOR. In order to send a strong message and curb present and future violations of the rules, DOBOR recommends that the Board issue the maximum ten thousand dollar (\$10,000.00) penalty to Mr. Pomroy.

RECOMMENDATIONS:

DOBOR respectfully requests that the Board:


1. Find that Mr. Henry Pomroy committed an administrative violation of HAR § 13-231-51.
2. Issue a ten thousand dollar (\$10,000.00) fine, in accordance with HRS § 200-14.5(c), to Mr. Henry Pomroy for violation of HAR § 13-231-51.
3. Any future violation of HAR 13-231-51 involving state registered vessel HA 9689 H will result in the inability to register the vessel for any use within the state.

Respectfully submitted,



Edward R. Underwood  
Administrator  
Division of Boating and Ocean Recreation

APPROVED FOR SUBMITTAL

  
\_\_\_\_\_  
Suzanne D. Case  
Chairperson  
Board of Land and Natural Resources

## State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-111-HA	District Puna	Lead Investigator Dente, Craig	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 08/18/2016 09:48AM	Location Pohokuli	Classification OWNWB: COMMERCIAL ACTIVITY	Connecting Reports	

## Investigation Report

BASIC	1. CLASSIFICATION OWNWB: COMMERCIAL ACTIVITY						2. SOURCE On Boat	
	3. COMPLAINANT'S NAME Craig Dente			4. SEX	5. RACE	6. AGE	7. BIRTH DATE	8. OCCUPATION
	9. ADDRESS			10. PLACE EMPLOYED/SCHOOL ATTENDING		11. HOME	12. WORK	13. CELL
	14. LOCATION OF INCIDENT/INTERSECTING STREET					15. DATE/TIME OCCURRED 08/18/2016 09:45AM		16. DATE/TIME REPORTED 08/18/2016 09:45AM
VEHICLES	17. TYPE Boat	18. YEAR 2012	19. MAKE Fiberglass Catamaran	20. MODEL Yardbuilt	21. COLOR White	22. LICENSE / HA No. HA0689H	23. LENGTH 25	24. STOLEN No
	25. REGISTERED OWNER Henry Pomroy		26. ADDRESS			27. HOME	28. WORK	29. CELL
	30. NOTES							
	31. TYPE	32. YEAR	33. MAKE	34. MODEL	35. COLOR	36. LICENSE / HA No.	37. LENGTH	38. STOLEN
PEOPLE	39. REGISTERED OWNER		40. ADDRESS			41. HOME	42. WORK	43. CELL
	44. NOTES							
	45. NAME Henry Pomroy		46. SEX Male	47. RACE White	48. AGE	49. BIRTH DATE	50. OCCUPATION fisherman	
	51. CATEGORY Suspect		52. ADDRESS			53. HOME	54. WORK	55. CELL
SYNOPSIS	56. NAME Stephen STRAUSS		57. SEX Male	58. RACE	59. AGE	60. BIRTH DATE	61. OCCUPATION	
	62. CATEGORY Business Partner		63. ADDRESS			64. HOME	65. WORK	66. CELL
	67. NAME		68. SEX	69. RACE	70. AGE	71. BIRTH DATE	72. OCCUPATION	
	73. CATEGORY		74. ADDRESS			75. HOME	76. WORK	77. CELL
WRITER	78. SYNOPSIS While on duty as DOCARE 627 on 08-18-2016, at approximately 0945 hrs, I was on patrol in Puna. I made contact with an individual at Isaac Hale Beach Park Boat Washing Station, who identified himself as Henry POMROY, who informed me that he was conducting business operations at Pohokuli Boat Ramp, but did not have a Commercial Use Permit for Pohokuli.  INVESTIGATION CONTINUING							
	79. REPORT WRITTEN BY Dente, Craig		80. BADGE No. 236	81. DATE/TIME WRITTEN 08/20/2016 02:10PM		82. SUPERVISOR APPROVAL Weller, James		83. DATE/TIME APPROVED 08/23/16



## State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-111-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 8/16/2016 9:45:00 AM	LOCATION Poholki	CLASSIFICATION OWNERS: COMMERCIAL ACTIVITY	CONNECTING REPORT(S)

Report Type: ☒ Continuation of Report ☐ Supplemental ☐ Follow Up  
Date/Time Written: 08-21-2016 / 1300 hrs  
Written By: Dente, Craig

## Report

### ASSIGNMENT

While on duty as DOCARE 637 on 08-16-2016 at approximately 0945 hrs, I was on patrol in Puna in my marked patrol vehicle, SHE 300. I pulled into the parking lot of Isaac Hale Beach Park at Poholki, near the Boat Washing Station, and observed a white boat on a trailer with one adult male washing the boat. I noticed that the trailer appeared to be buckling in the middle, so I made contact with the adult male.

### SCENE

- Time Element: Approximately 0945 hrs to 1000 hrs.
- Location: Isaac Hale Beach Park Boat Washing Station
- Weather: Clear and sunny, unrestricted visibility
- Vehicle Traffic / Foot Traffic / Bystanders: None

### OBSERVED VESSEL ON TRAILER AT BOAT WASHING STATION AND CONTACTED OWNER

As I pulled into the parking lot of Isaac Hale Beach Park at Poholki, near the Boat Washing Station, I observed a white boat on a trailer with one person washing the boat. I noticed that the trailer appeared to be buckling in the middle. I made contact with this person by introducing myself as Officer Dente with DLNR Conservation Enforcement. The person identified himself as Henry "Skosh" POMROY, of Kaimu, HI.

I observed that the vessel on the trailer was a white fiberglass power-driven catamaran, displaying numbering "HA 9689 H," with a valid registration decal, and twin Honda 150 HP outboard motors. See attached photo log. The trailer had a valid Ramp Use Decal. The trailer did not have a license plate attached, did not have a vehicle weight tax decal displayed, and did not have a safety check decal displayed. I asked POMROY if his trailer was safe to operate on the boat ramp and roadways. POMROY explained that the sag in the middle of the trailer was by design, and showed me the telescoping tongue of the trailer. I informed POMROY that he needs to get his trailer legal as soon as possible. I informed POMROY that I would not issue him a citation today, but I do intend to follow up with him soon, and expect that his trailer will be brought into compliance. POMROY acknowledged that he understood.

### VESSEL OWNER DESCRIBED NATURE OF BUSINESS

During the course of my conversation with POMROY, he informed me that he had just started a new business, the "Ho'okupu Fish Company, LLC." POMROY stated that the company sells 0.001% shares of the company to interested investors, and as part of the contract, new investors are entitled to a complimentary ride onboard his vessel, HA 9689 H, to a destination of their choice; with activities to include fishing and/or sightseeing. POMROY went further, saying that the vessel never gets underway without a licensed master onboard, and gave me the name of two licensed masters whom he said are always onboard during voyages: Keoni ERICKSON and Nathan KUROHARA. POMROY stated that the vessel typically operates out of Poholki, and that visits to the lava flow are popular with investors, but the vessel also takes some investors on fishing trips. POMROY stated that his main business partner at the "Ho'okupu Fish Company, LLC" is Mr. Stephen STRAUSS, and that any questions regarding the business should be directed to STRAUSS. POMROY offered me a sample "Conveyance of Membership Contract" for Ho'okupu Fish Company LLC, which I took and included as Exhibit 1.

(Continued on Next Page)

Dente, Craig  
Officer

238  
Badge No.

08-21-2016 / 1300 hrs  
Date / Time

## State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-111-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Denie	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 8/18/2016 9:45:00 AM	LOCATION Pahohi	CLASSIFICATION OWNWB: COMMERCIAL ACTIVITY	CONNECTING REPORT(S)

## Report (Continued)

**INTERVIEWED BUSINESS PARTNER STEPHEN STRAUSS**

On 08-20-2016 at approximately 1000 hrs, I conducted a telephone interview with Stephen STRAUSS of the "Ho'okupu Fish Company, LLC." STRAUSS informed me that the nature of the business is to promote awareness of sustainable fishing, where investors are invited on the vessel to participate in sustainable fishing practices. STRAUSS claimed that while on voyages, sometimes the vessel does go near popular sites, such as the lava flow. STRAUSS claimed that the company is not engaged in taking "Passengers for Hire" and is therefore not required to obtain a Commercial Use Permit under HAR 13-231-3(a)(8). STRAUSS claimed that the nature of the voyages of the "Ho'okupu Fish Company, LLC" are sometimes Commercial Fishing Voyages, and sometimes Recreational Voyages, depending on the desired activity of the investors. STRAUSS claimed that while the HA 9589 H is operating for the "Ho'okupu Fish Company, LLC," it is under lease by the company.

**DISPOSITION**

Based on the nature of the claims made by POMROY and STRAUSS, I recommend DOBOR make a determination on whether or not the activities of the "Ho'okupu Fish Company, LLC" require a Commercial Use Permit under HAR 13-231-3(a)(8), then notify the company and DOCARE of the determination.

**CLOSED - RECORD ONLY // FORWARD TO DOBOR**

Denie, Craig  
Officer

236  
Badge No.

08-21-2016 / 1300 hrs  
Date / Time

## State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-111-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT [ X ] Yes [ ]
DATE / TIME REPORTED 8/18/2016 9:45:00 AM	LOCATION Pohokai	CLASSIFICATION OWNWB: COMMERCIAL ACTIVITY	CONNECTING REPORT(S)

## Report Description: Photo Log

Date/Time Taken: 08-16-2016 / 1000 hrs

Taken By: Dente, Craig

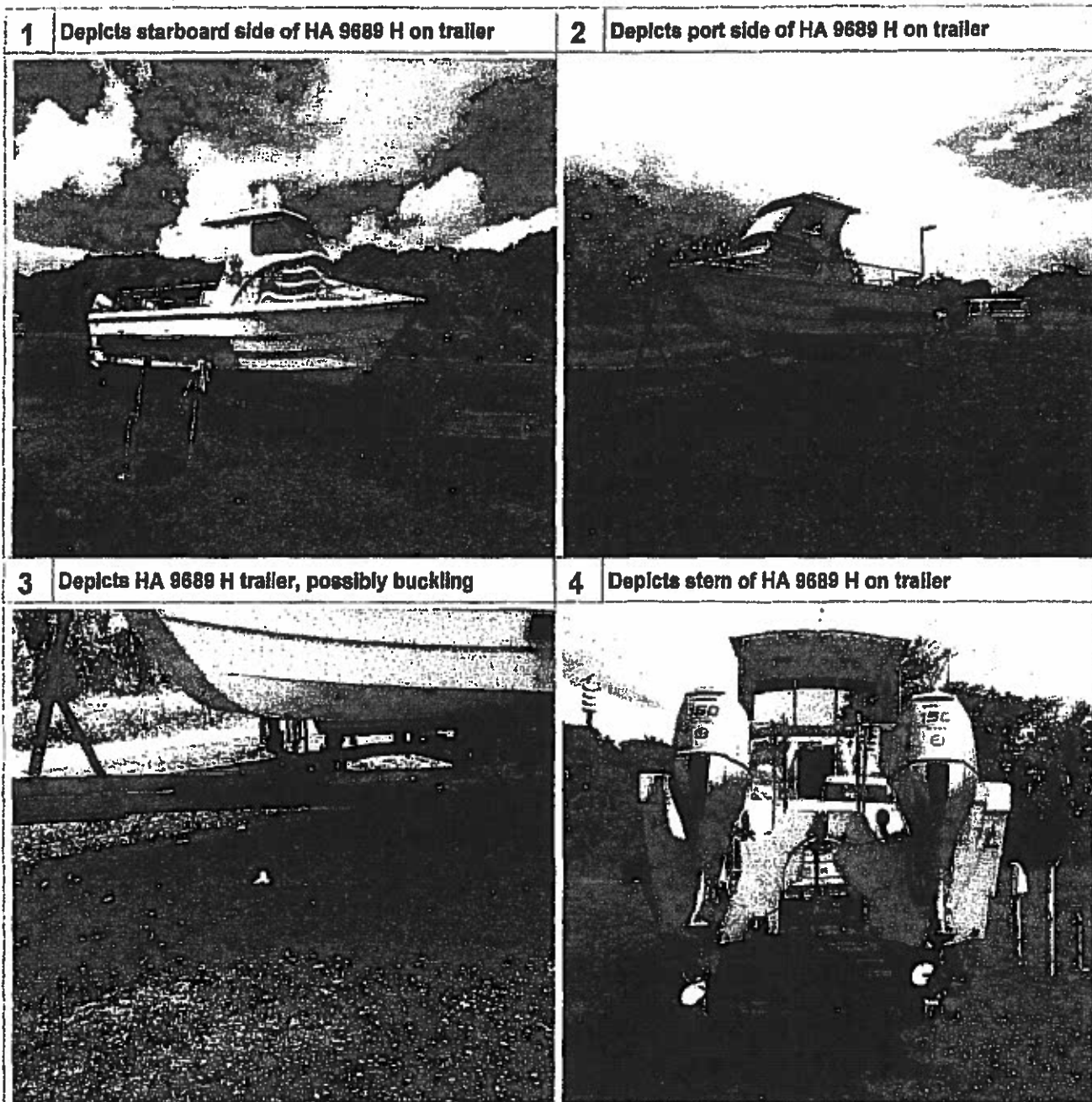
Scene: Isaac Hale Beach Park

Equipment: Olympus Digital Camera

Weather Conditions: Sunny / Clear

Lighting: Daylight

Focus: Auto



## State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resource Enforcement

INVESTIGATION # 17-111-HA	District Puna	Lead Investigator Dente, Craig	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 08/16/2016 08:45AM	Location Poholiki	Classification OWNWB: COMMERCIAL ACTIVITY	Connecting Reports	

## WARNINGS

Issuing Officer Dente, Craig Issue Date/Time 08/21/2016 12:40PM  
Defendant Pomroy, Henry (Suspect)  
Notes Observed trailer for HA9689H parked at Isaac Hale County Beach Park. Trailer did not have license plate, vehicle weight tax decal, nor safety check decal. Warned owner to bring the trailer into compliance as soon as possible.

Violation	Activity Code
HRS 249-7 NO LICENSE PLATE; OBSTRUCTED PLATES, ON CLEAN PLATES	1700 Small Boat Harbors
HRS 249-2 DELINQUENT WEIGHT TAX	1700 Small Boat Harbors
HRS 288-25 NOEXPIRED CERTIFICATE OF INSPECTION	1700 Small Boat Harbors

## Vehicle

HA9689H (Fiberglass Catamaran /  
Yardbuilt)

* REG. # (HA-XXXX-XX)	HULL ID	DECAL #	RAMP #	STATUS	EXP. DATE (MM/YY)
HA-9689-H	TEN25003C010	P11316	P39514	ACTIVE	07/16

PRINCIPAL OWNER	CO-OWNER	LIEN HOLDER - MORTGAGEE	VESSEL	VESSEL MISC	HULL	NOTES
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**PRINCIPAL OWNER****BUSINESS**

\* LAST NAME  
POMROY

\* FIRST NAME  
HENRY

MIDDLE NAME  
K

DATE OF BIRTH (MM-DD-YYYY)  
[REDACTED]

CONTACT PHONE XXX-XXX-XXXX  
[REDACTED]

\* EMAIL  
[REDACTED]

\* CITIZENSHIP OF OWNER  
UNITED STATES

**MAILING ADDRESS**

\* STREET1  
[REDACTED]

\* CITY  
HILO

\* STATE  
HAWAII

\* ZIP CODE  
[REDACTED]

\* COUNTRY  
UNITED STATES

PROVINCE

**STREET ADDRESS**

☒ SAME AS MAILING ADDRESS

\* = REQUIRED

LAST UPDATED: 08-22-2015 04:21:10 PM, Loviann C Domingo

PACTNER

ATTORNEY

KEONI ERICKSON  
NATHAN KUROHARALICENSED CAPTAINS  
ONE "ALWAYS ONBOARD"

**CONVEYANCE OF MEMBERSHIP INTEREST IN  
HO'OKUPU FISH COMPANY, LLC,  
a Hawai'i Limited Liability Company**

AGREEMENT effective \_\_\_\_\_, 2016, between  
HO'OKUPU FISH COMPANY, LLC, and \_\_\_\_\_, Member.

**RECITALS**

1. HO'OKUPU FISH COMPANY, LLC (also, "the Company") is a for-profit limited liability company registered and in good standing with the State of Hawai'i. The Company engages in sustainable fishing practices and vessel charter operations. Its current assets comprise intellectual property, including common law trademark, service mark and trade name rights in and to the name and mark "HO'OKUPU FISH COMPANY" and lessee rights in and to the powered catamaran ocean-going vessel "HO'OKUPU."

2. The Company desires to convey a 0.001% interest in the Company to Member.

**TERMS AND DISCLOSURES**

1. For valuable consideration received, the Company hereby conveys a 0.001% interest in the Company to Member.

2. The membership interest entitles Member to a single passage on the vessel "HO'OKUPU" and to certain member discounts and premiums that may be offered from time to time by the Company. Depending upon availability, Member may also book passage for Member's guests and minor children by payment to the Company of a guest fee at the guest fee rate in effect at the time of booking.

3. The membership interest in the Company conveyed by this Agreement is not intended as an investment security. The membership interest has no present cash value and no disbursements to members holding less than 10% interest in the Company are anticipated unless and until the Company is sold or liquidated resulting in net proceeds.

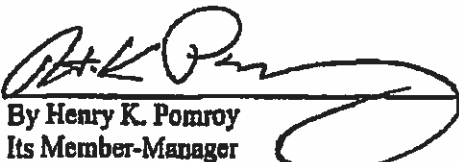
4. Copies of the Company's Articles of Organization and Operating Agreement are accessible as of September 1, 2016 on the Company's website, *hookupfishcompany.com*. To promote sustainability, Member waives delivery of paper copies of the Company's documents.

#### ENTIRE AGREEMENT/ GOVERNING LAW

5. This instrument is the entire Agreement between the parties and supersedes any prior or contemporaneous written or oral representations. No amendment or modification to this Agreement is effective unless it is made in writing and signed by both parties. This Agreement will be governed by and interpreted in accordance with the laws of the State of Hawai'i.

#### APPROVED AND AGREED

HO'OKUPU FISH COMPANY, LLC

  
By Henry K. Pomroy  
Its Member-Manager

Dated: \_\_\_\_\_

Member

\_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_

Dated: \_\_\_\_\_

THE SECURITIES REPRESENTED BY THIS AGREEMENT HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED (THE "SECURITIES ACT") NOR REGISTERED NOR QUALIFIED UNDER ANY STATE SECURITIES LAWS. SUCH SECURITIES MAY NOT BE OFFERED FOR SALE, SOLD, DELIVERED AFTER SALE, TRANSFERRED, PLEDGED, OR HYPOTHECATED UNLESS QUALIFIED AND REGISTERED UNDER APPLICABLE STATE AND FEDERAL SECURITIES LAWS OR UNLESS, IN THE OPINION OF COUNSEL SATISFACTORY TO THE COMPANY, SUCH QUALIFICATION AND REGISTRATION IS NOT REQUIRED. ANY TRANSFER OF THE SECURITIES REPRESENTED BY THIS AGREEMENT IS FURTHER SUBJECT TO OTHER RESTRICTIONS, TERMS AND CONDITIONS WHICH ARE SET FORTH HEREIN.

EXHIBIT(1), PAGE 2 of 2

**State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement**

<b>INVESTIGATION #</b> 17-0328-HA	<b>District</b> Puna	<b>Lead Investigator</b> Dente, Craig	<b>Report Status</b> In Progress	<b>Key Report</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Date/Time Reported</b> 10/27/2016 07:50AM	<b>Location</b> Pohohi	<b>Classification</b> 88H: COMMERCIALACTIVITY		<b>Connecting Reports</b> 17-111-HA, 17-0328-HA

**Incident & Report Control Form**

DOCARE 2 Rev. 6/13

**A. COMPLAINT**

**Taken By:** Craig Dente **Reported Date/Time** 10/27/2016 07:50AM  
**How Taken:** On Boat

**Complainant:** Craig Dente  
**Home Work Cell**

**Phone:**

**Address:**

**Incident Summary** **Description:** COMMERCIALACTIVITY

**Suspect:** Henry POMROY

**Vehicle/Vessel:** Hookupu HA9889H

**Location:** Pohohi

**Occurred From:** 10/27/2016 07:50AM

**Location Notes:** Pohohi Basin

**Occurred To:**

**B. REPORT CONTROL**

**Branch:** Hawaii  
**District:** Puna  
**Lead Investigator:** Craig Dente  
**Date Assigned:** 10/27/2016 11:25AM

**C. NOTES/DISPOSITION/OTHER INFO**

CLOSED - RECORD ONLY // FORWARD TO DOBOR FOR POSSIBLE CIVIL PENALTIES



**State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement**

INVESTIGATION # 17-0328-HA	District Puna	Lead Investigator Dente, Craig	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 10/27/2016 07:50AM	Location Pohokii	Classification SBH: COMMERCIAL ACTIVITY		Connecting Reports 17-111-HA 17-0328-HA

**Investigation Report**

<b>BASIC</b>	1. CLASSIFICATION SBH: COMMERCIAL ACTIVITY						2. SOURCE On Boat	
	3. COMPLAINANT'S NAME Craig Dente			4. SEX	5. RACE	6. AGE	7. BIRTH DATE	8. OCCUPATION
	9. ADDRESS			10. PLACE EMPLOYED/SCHOOL ATTENDING		11. HOME	12. WORK	13. CELL
	14. LOCATION OF INCIDENT/INTERSECTING STREET Pohokii Boat Ramp					15. DATE/TIME OCCURRED 10/27/2016 07:50AM		16. DATE/TIME REPORTED 10/27/2016 07:50AM
<b>VEHICLES</b>	17. TYPE Boat	18. YEAR 2012	19. MAKE Fiberglass Calmar	20. MODEL Yardbuilt	21. COLOR White	22. LICENSE / H.A. No. HA9589H	23. LENGTH 25	24. STOLEN No
	25. REGISTERED OWNER Henry Pomroy		26. ADDRESS			27. HOME	28. WORK	29. CELL
	30. NOTES							
	31. TYPE	32. YEAR	33. MAKE	34. MODEL	35. COLOR	36. LICENSE / H.A. No.	37. LENGTH	38. STOLEN
<b>PEOPLE</b>	39. REGISTERED OWNER Henry Pomroy		40. ADDRESS			41. HOME	42. WORK	43. CELL
	44. NOTES							
	45. NAME Henry Pomroy		46. SEX Male	47. RACE White	48. AGE	49. BIRTH DATE	50. OCCUPATION fisherman	
	51. CATEGORY Suspect		52. ADDRESS			53. HOME	54. WORK	55. CELL
<b>PEOPLE</b>	56. NAME		57. SEX	58. RACE	59. AGE	60. BIRTH DATE	61. OCCUPATION	
	62. CATEGORY		63. ADDRESS			64. HOME	65. WORK	66. CELL
	67. NAME		68. SEX	69. RACE	70. AGE	71. BIRTH DATE	72. OCCUPATION	
	73. CATEGORY		74. ADDRESS			75. HOME	76. WORK	77. CELL
<b>SYNOPSIS</b>	78. SYNOPSIS Observed suspect Henry POMROY returning from an ocean voyage on HA9589H at Pohokii Boat Ramp. POMROY was observed to be conducting commercial operations, and not in possession of a Commercial Use Permit for Pohokii Boat Ramp. Two passengers admitted to paying him \$180 each to view the lava flow on HA9589H. When confronted with this information, POMROY admitted to selling "shares" for Hookupu Fish Company LLC, in violation of a DOBOR Cease & Desist Order issued on 08-14-2016 (refer to connecting case 17-111).							
	INVESTIGATION CONTINUING							
<b>WRITER</b>	79. REPORT WRITTEN BY Dente, Craig		80. BADGE No. 238	81. DATE/TIME WRITTEN 11/04/2016 01:31PM		82. SUPERVISOR APPROVED [Signature]	83. DATE/TIME APPROVED 11/4/16 11:18	84. BADGE No. 19
	85. DISPOSITION							

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-0328-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 10/27/2016 7:50:00 AM	LOCATION Poholki	CLASSIFICATION SBH: COMMERCIAL ACTIVITY	CONNECTING REPORT(S) 17-111-HA, 17-0328-HA

Report Type: ☒ Continuation of Report ☐ Supplemental ☐ Follow Up  
 Date/Time Written: 11-10-2016 / 1100 hrs  
 Written By: Dente, Craig

## Report

### ASSIGNMENT

While on duty as DOCARE 837 at approximately 0750 hrs on 10-27-2016, I observed Henry POMROY operating HA9689H, returning from sea, entering Poholki Basin with a total of 8 persons onboard. Seven of the persons were identified and interviewed, and two claimed to be passengers who paid money to be taken to view the lava flow. POMROY did not have a Commercial Use Permit for Poholki Boat Ramp and had previously been issued a Cease and Desist notice from DOBOR for commercial operations at Poholki (see attached Cease and Desist Letter and connecting 17-111-HA for details on Commercial Operations).

### NOTIFICATION

At approximately 0457 hrs on 10-27-2016, I received a text message from an informant who wishes to remain anonymous, stating that POMROY was at the lava flow off Kalapana on HA9689H with multiple passengers onboard. At 0800 hrs on 10-27-2016, I checked in for duty, and shortly thereafter, I proceeded to Poholki Boat Ramp with Officer TAMURA.

### SCENE

At approximately 0700 hrs on 10-27-2016, Officer TAMURA and I arrived at the Poholki Boat Ramp. I observed POMROY's pickup truck attached to boat trailer which was empty, parked at the bottom of Isaac Hale Beach Park.

I parked my patrol vehicle near the boat ramp and awaited the return of HA9689H.

The weather was clear and sunny. Ocean conditions outside of the Poholki Boat Basin were approximately 2-4 foot easterly wind waves, with a 3-6 foot long-period easterly ground swell.

### OBSERVED HA9689H ENTERING POHOIKI BASIN

At approximately 0750 hrs, I observed HA9689H approaching Poholki Basin. As the vessel entered the vicinity of the Boat Ramp, I recognized the person manipulating the throttles and steering of HA9689H, piloting the vessel onto its boat trailer, as Henry POMROY. The vessel was then towed into the parking lot with POMROY and seven other persons aboard on its trailer. The person who was driving the pickup truck with the attached boat trailer was later identified as Bill FUJIMOTO, co-owner of HA9689H.

### OBSERVED PASSENGERS ABOARD HA9689H

As the boat trailer came to a stop in the parking lot, I introduced myself and Officer TAMURA as Conservation and Resources Enforcement Officers with DLNR DOCARE. I informed POMROY that we needed to talk to him, and that my partner, Officer TAMURA needed to talk to the passengers. I then proceeded to interview POMROY, while Officer TAMURA interviewed the passengers (see Officer TAMURA's enclosed Supplemental Report).

(Continued on Next Page)

Dente, Craig  
Officer



238  
Badge No.

11-10-2016 / 1100 hrs  
Date / Time

**State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement**

INVESTIGATION # 17-0328-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 10/27/2016 7:50:00 AM	LOCATION Poholki	CLASSIFICATION SBH: COMMERCIAL ACTIVITY	CONNECTING REPORT(S) 17-111-HA, 17-0328-HA

## Report (Continued)

### INTERVIEWED SUSPECT HENRY POMROY

I informed POMROY that I suspected that he was conducting Commercial Operations at Poholki Boat Ramp without a Commercial Use Permit. Before asking POMROY any questions about his activities, I conducted an Advice of Rights (see attached form). At that time, POMROY indicated that he understood his rights, and did not wish to answer questions or make a statement. POMROY also indicated that he did not wish to have a lawyer present.

### CONDUCTED SAFETY INSPECTION OF HA9689H

After POMROY informed me that he did not wish to make a statement, I informed him that I would be conducting a safety inspection of his vessel. POMROY complied with the safety inspection. I found HA9689H to be in compliance with all safety requirements for a 25 foot recreational power driven vessel, with two exceptions: POMROY had an expired Certificate of Numbers, and POMROY did not have an Operator Safety Course Certificate of Completion or a suitable alternative (see connecting 17-0328-HA for details on safety inspection and enforcement action taken).

### OFFICER TAMURA COMPLETED INTERVIEWING PASSANGERS

Immediately after I completed the safety inspection, Officer TAMURA informed me that two passengers stated to him that they paid POMROY money to take them onboard HA9689H to view the lava flow.

### INFORMED POMROY OF VIOLATION

At approximately 0840 hrs, I informed POMROY that some of the passengers stated that they paid him money to go see the lava flow. At that point, without being questioned, POMROY made a spontaneous statement that he did collect money from some of the passengers, but it was for the "Hookupu Fish Company LLC." POMROY then furnished me with another copy of the "Hookupu Fish Company LLC" contract, which he had provided me on 08-16-2016 (see connecting 17-111-HA for more details).

I stated to POMROY that the Hookupu Fish Company LLC is a for-profit venture. POMROY agreed. I then stated that his operations have therefore been deemed commercial activity by DOBOR. I reminded POMROY that DOBOR issued him a Cease and Desist notice, and despite that notice, he has continued to operate at Poholki without a Commercial Use Permit. I informed POMROY that I would be assembling a case for possible Civil Penalties, and forwarding it to DOBOR. I then warned POMROY that if he continues to conduct commercial operations at Poholki without a permit after this encounter, I will initiate a criminal case and take custody of his vessel. POMROY acknowledged that he understood, and stated that he would cease his activities with Hookupu Fish Company at Poholki until he is able to obtain a permit.

### DISPOSITION

**CLOSED – FORWARD TO DOBOR FOR POSSIBLE CIVIL PENALTIES**

(End of Report)

Dente, Craig  
Officer



236  
Badge No.

11-10-2016 / 1100 hrs  
Date / Time

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-0328-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 10/27/2016 7:50:00 AM	LOCATION Pohohi	CLASSIFICATION BSH: COMMERCIAL ACTIVITY	CONNECTING REPORT(S)

Report Type: ☐ Continuation of Report ☒ Supplemental ☐ Follow Up  
 Date/Time Written: 11-4-16/1700  
 Written By: Tamura, Ivan

## Report

### ASSIGNMENT

On 10-27-16 at 0556 hours I receive a phone call from Officer Craig DENTE who informed me he had information that Henry POMROY may be operating an illegal lava tour involving commercial activity. I met with Officer DENTE and we proceeded down to the Pohohi boat ramp.

### OFFICER'S OBSERVATIONS

On 10-27-16 at approximately 0750 hours I observed a boat on the water coming in from the South. As the boat got closer to the harbor I was informed by Officer DENTE that the boat belonged to POMROY due to the fact that he knew the word HO'OKUPU is on the front. As the boat was coming in a Dodge truck was waiting with a trailer at the ramp. The truck plate [REDACTED] with attached trailer license plate [REDACTED] was being driven by Bill FUJIMOTO who was later identified. License plate checks revealed both the truck and trailer is registered to Henry POMROY of [REDACTED].

As the boat reached the ramp area, I took a few photos of the people on the boat. It appeared there were eight people on the vessel including POMROY who I remembered from prior contacts. The Dodge truck pulling the trailer parked in the parking lot and the people on the vessel started exiting. I took a photograph of the occupants standing and using a ladder to get off the boat as POMROY was sitting on the railing. I then proceeded to make contact with people as they headed to their vehicles.

### TOURIST CONTACTS

On 10-27-16 at approximately 0810 hours I contacted a husband and wife identified as Scott SHEPHARD and Debra SHEPHARD. They are further identified as,

Scott SHEPHARD [REDACTED]

Debra SHEPHARD [REDACTED]

Upon speaking with the SHEPHARD'S I was informed they went on EBAY and put down a \$50.00 deposit to book a tour with Henry POMROY. The SHEPHARDS relayed that on the morning of 10-27-16 they met POMROY who identified himself to them as "SKOSH" at approximately 0530 hours. The SHEPHARD'S stated that they went on the tour and view lava and on the way back at the Pohohi ramp they gave POMROY \$300.00 for the tour, as it was agreed payment was \$150.00 per person. Debra SHEPHARD stated the payment was made in cash.

Tamura, Ivan  
Officer

251  
Badge No.

11-4-16/1700  
Date / Time

**State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement**

INVESTIGATION # 17-0328-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 10/27/2016 7:50:00 AM	LOCATION Poholki	CLASSIFICATION SBH: COMMERCIAL ACTIVITY	CONNECTING REPORT(S)

**Report (Continued)****TOURIST CONTACTS CONT.**

After speaking with the SHEPHARD'S, I contacted four other tourist's who came off the vessel, they were identified as,

Siddarth SION, [REDACTED]  
[REDACTED]

Monique ALEXANDER, [REDACTED]  
[REDACTED]

Liam ROBERTSON, [REDACTED]  
[REDACTED]

Nicole Simone PEREIRA, [REDACTED]  
[REDACTED]

Upon speaking with all the Australian tourist, they stated they went on the tour to view lava and no of them paid any money for the trip. Siddarth SION informed me his cousin Kornel SION who he communicates via facebook provided information of Henry POMROY. Siddarth SION stated the cousin told him to call POMROY and POMROY would be able to take he and his friends out to view the lava.

**TRUCK/TRAILER OPERATOR**

On 10-27-16 at approximately 0845 I contacted the operator of the Dodge truck registered to POMROY. He provided me with a Hawaii Drivers License and was identified as Bill FUJIMOTO [REDACTED] FUJIMOTO stated he met POMROY at his house [REDACTED] in Hilo and assisted with launching and loading the vessel upon exit in Poholki.

**PHOTOGRAPHS**

Photographs were taken at the scene, for more information refer to the photographic record submitted.

**DISPOSITION**

In view of the information in this investigation, I recommend a copy of this report be routed to Officer Craig DENTE for his review and final disposition.

ROUTE COPY OF REPORT TO OFFICER CRAIG DENTE *11-4-16/1700*

INV. CONTINUING

Tamura, Ivan  
Officer

251  
Badge No.

11-4-16/1700  
Date / Time

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-0325-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 10/27/2016 7:50:00 AM	LOCATION Pohokiki	CLASSIFICATION SBH: COMMERCIAL ACTIVITY	CONNECTING REPORT(S)

Report Description: Photo Record  
 Date/Time Taken: 10-27-16/0802-0806  
 Taken By: Tamara, Ivan  
 Scene: Pohokiki

Equipment: Digital Olympus  
 Weather Conditions: Cloudy  
 Lighting: Overcast  
 Focus: Yes

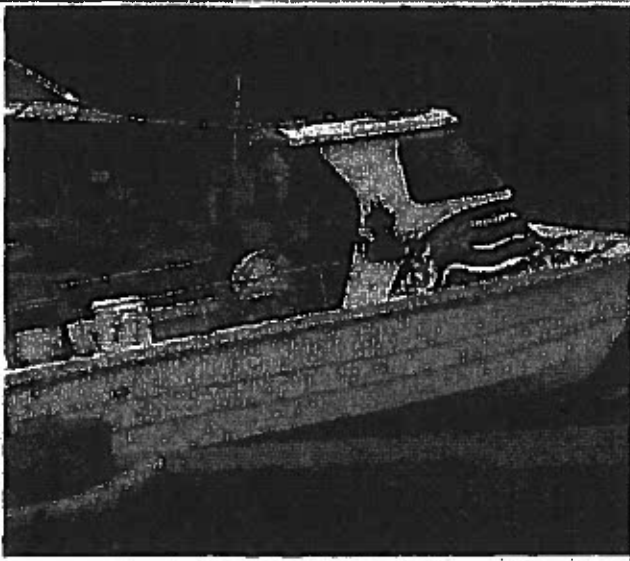
1 Ho'okupu vessel coming in to exit Pohokiki ramp.



2 Vessel waiting for Trailer to exit water.



3 Female in white and male in blue jacket admitted to paying.



4 Vessel pulled out of water heading to parking lot.

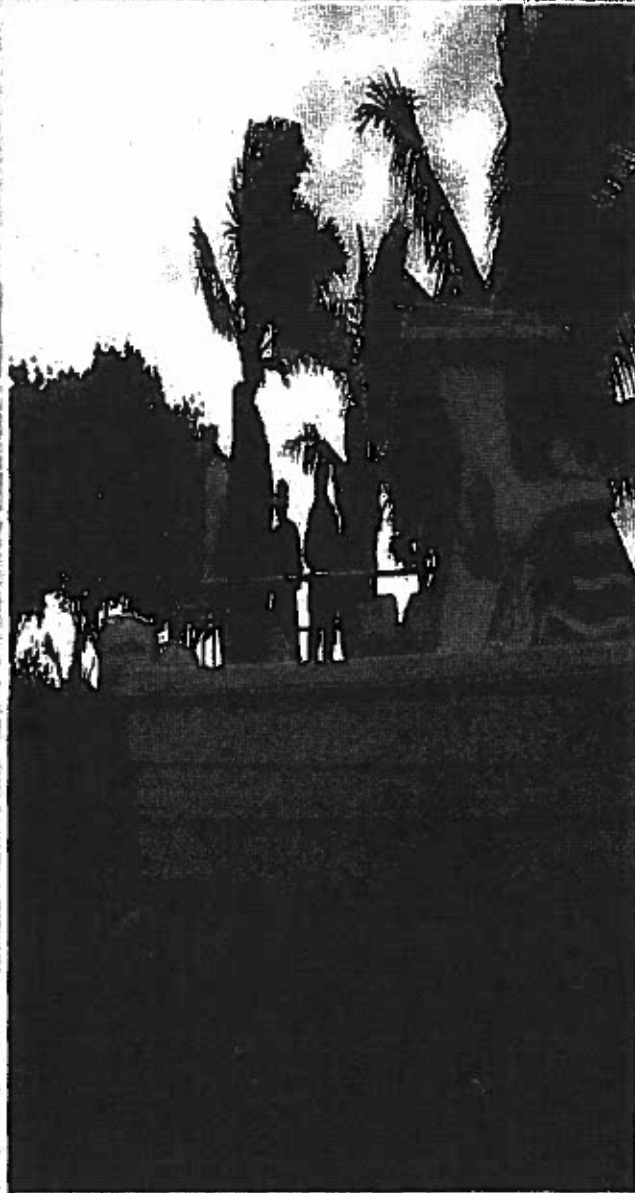




State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-0328-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Denle	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 10/27/2018 7:50:00 AM	LOCATION Pohakalani	CLASSIFICATION SBH: COMMERCIAL ACTIVITY	CONNECTING REPORT(S)

5 People getting ready to exit vessel.



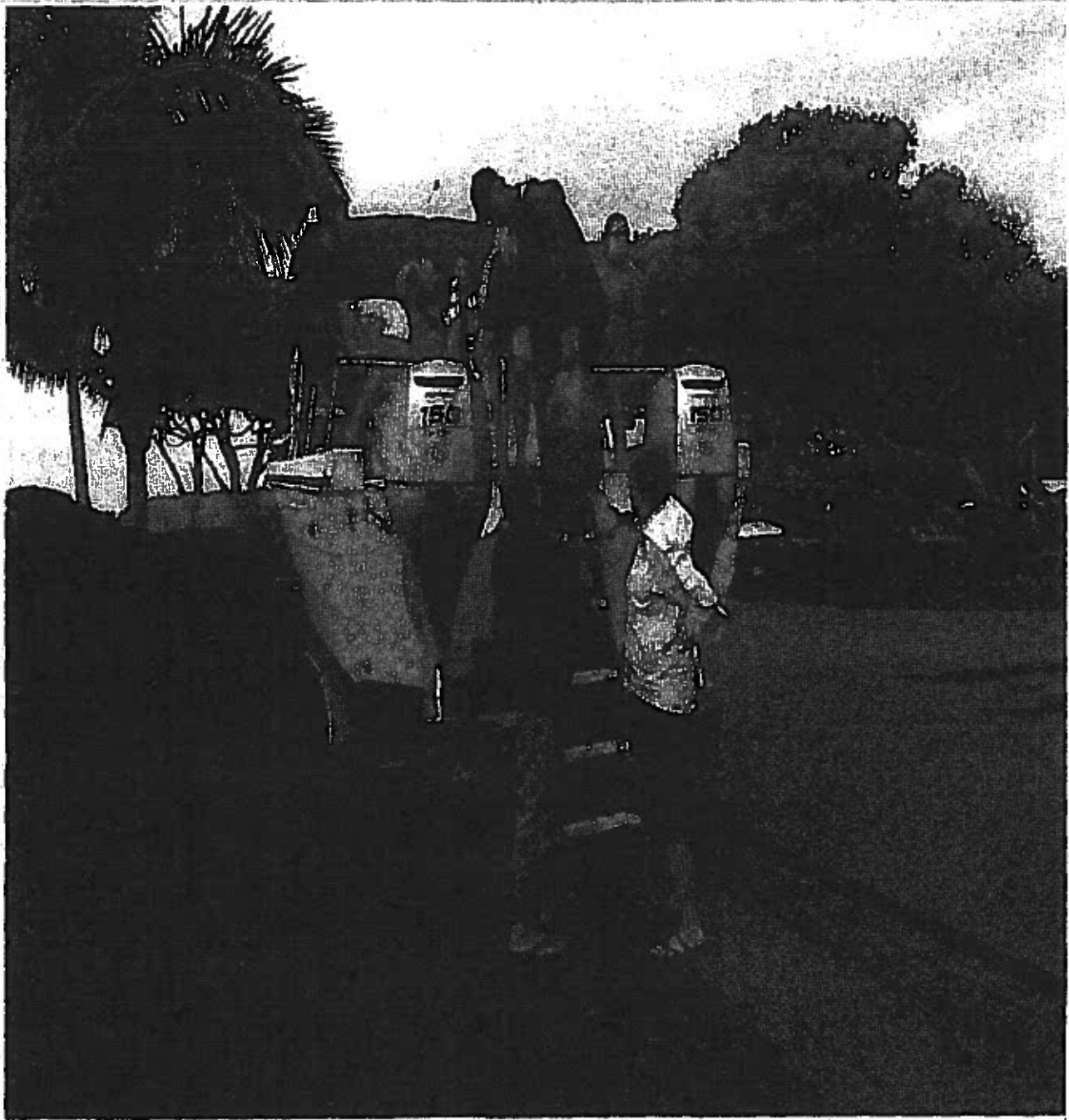
6 Closer view of vessel and truck, both registered to POMROY.



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-0328-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 10/27/2016 7:50:00 AM	LOCATION Pohokū	CLASSIFICATION SBH: COMMERCIAL ACTIVITY	CONNECTING REPORT(S)

**7** Female in white jacket and male in blue jacket with hat, admitted they paid \$150.00 each to view lava.





State of Hawaii  
Department of Land and Natural Resources  
Division of Conservation and Resources Enforcement

ADVICE OF RIGHTS

Report/Citation # 17-0328-HA

I am a Conservation Enforcement Officer. I want to inform you of your rights.

1. You have the right to remain silent. You do not have to answer any questions.
2. Anything you say may be used against you in a court of law.
3. You have the right to talk to a lawyer before we ask you any questions and to have him with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. If you decide to answer the questions now without a lawyer present, you will still have the right to stop answering at any time and talk to a lawyer.

The Advice of Rights was administered to HENRY POMROY

By C. DENTE  
Conservation Enforcement Officer

POLLOKI BOAT CAMP

Location

10-27-2016

Date

0802 HRS

Time

WAIVER OF RIGHTS

- |   |  | Initial |
|---|--|---------|
| 1. Do you understand the rights that I have just read to you? | Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> |         |
| 2. Do you want a lawyer now?                                  | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>            |         |
| 3. Are you willing to answer questions and make a statement?  | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>            |         |
| 4. Do you want a lawyer during this interview?                | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>            |         |

TS/11 P. J. M. to [Signature]  
Witness

[Signature]  
Subject's Signature

10-27-2016

Date

0805

Time

9:05 AM

Date

10-27-2016

Time

Refused to sign / /

All the foregoing was translated into

By

Remarks:

**CONVEYANCE OF MEMBERSHIP INTEREST IN  
HO'OKUPU FISH COMPANY, LLC,  
a Hawai'i Limited Liability Company**

AGREEMENT effective \_\_\_\_\_, 2016, between  
HO'OKUPU FISH COMPANY, LLC, and \_\_\_\_\_, Member.

**RECITALS**

1. HO'OKUPU FISH COMPANY, LLC (also, "the Company") is a for-profit limited liability company registered and in good standing with the State of Hawai'i. The Company engages in sustainable fishing practices and vessel charter operations. Its current assets comprise intellectual property, including common law trademark, service mark and trade name rights in and to the name and mark "HO'OKUPU FISH COMPANY" and lessee rights in and to the powered catamaran ocean-going vessel "HO'OKUPU."

2. The Company desires to convey a 0.001% interest in the Company to Member.

**TERMS AND DISCLOSURES**

1. For valuable consideration received, the Company hereby conveys a 0.001% interest in the Company to Member.

2. The membership interest entitles Member to a single passage on the vessel "HO'OKUPU" and to certain member discounts and premiums that may be offered from time to time by the Company. Depending upon availability, Member may also book passage for Member's guests and minor children by payment to the Company of a guest fee at the guest fee rate in effect at the time of booking.

3. The membership interest in the Company conveyed by this Agreement is not intended as an investment security. The membership interest has no present cash value and no disbursements to members holding less than 10% interest in the Company are anticipated unless and until the Company is sold or liquidated resulting in net proceeds.

4. Copies of the Company's Articles of Organization and Operating Agreement are accessible as of September 1, 2016 on the Company's website, *hookupfishcompany.com*. To promote sustainability, Member waives delivery of paper copies of the Company's documents.

**ENTIRE AGREEMENT/ GOVERNING LAW**

5. This instrument is the entire Agreement between the parties and supersedes any prior or contemporaneous written or oral representations. No amendment or modification to this Agreement is effective unless it is made in writing and signed by both parties. This Agreement will be governed by and interpreted in accordance with the laws of the State of Hawai'i.

**APPROVED AND AGREED**

**HO'OKUPU FISH COMPANY, LLC**

\_\_\_\_\_  
By Henry K. Pomroy  
Its Member-Manager

Dated: \_\_\_\_\_

Member

\_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_

Dated: \_\_\_\_\_

THE SECURITIES REPRESENTED BY THIS AGREEMENT HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED (THE "SECURITIES ACT") NOR REGISTERED NOR QUALIFIED UNDER ANY STATE SECURITIES LAWS. SUCH SECURITIES MAY NOT BE OFFERED FOR SALE, SOLD, DELIVERED AFTER SALE, TRANSFERRED, PLEDGED, OR HYPOTHECATED UNLESS QUALIFIED AND REGISTERED UNDER APPLICABLE STATE AND FEDERAL SECURITIES LAWS OR UNLESS, IN THE OPINION OF COUNSEL SATISFACTORY TO THE COMPANY, SUCH QUALIFICATION AND REGISTRATION IS NOT REQUIRED. ANY TRANSFER OF THE SECURITIES REPRESENTED BY THIS AGREEMENT IS FURTHER SUBJECT TO OTHER RESTRICTIONS, TERMS AND CONDITIONS WHICH ARE SET FORTH HEREIN.

Nov 4, 2016 1:22:04 PM

Printed By: H150ENTC from: DLNR02

Received Time: 13:20:34 11-04-16 Source ORI: HI0020702  
Summary: [REDACTED]  
View Message Details

DLNR02 00012 AT 13:20 11/04/2016  
RX05M55L  
MRI-785537

Received Time: 13:20:34 11-04-16 Source ORI: HILIC0000  
Summary: [REDACTED]  
View Message Details

M55L/5 [REDACTED]  
PLATE: [REDACTED] STATUS: A SPEC-PLT: EMBLEM: H25749 EXPIR-DATE: 07 17  
VIN: [REDACTED] MAKE: HOMADE TYPE: BOAT YR-MODEL: COLOR:  
RO-NAME: POMROY HENRY PHON-CODE: P560H COUNTY: H  
RO-ADDRESS [REDACTED] RO-CITY: [REDACTED]  
LO-NM: SF-EXP: 08 17 TCI-NO:  
LO-ADDRESS: LO-CITY:  
1ST-SOLD: 00 00 00 DT-ISS: 08 29 16 TK-RT: F HVUC: TVB: BAD-CK: SP-VEH:  
NET-WT: 02660 GVW: 000000 EXMPT: FUEL: ODOM: ODOM-EXC: ODOM-DSC:  
MO-TX: 12 TAX-COLL: 158.05 PENALTY-AMT: 0.00 FLT-EMB: 30.50 OT-PND:  
PRI-PT: XRP-PT: VD: MO: DUP-DT: LS-UDT: 08 30 16  
BLT KEY:  
F1:MPL F2:MOT F3:MCP F5:MFC F6:MAC F7:MCMT F10:MNR F11:MVRN F12:MFEE

MRI 785538 IN: RX05M55L 546 AT 04NOV2016 13:20:34  
OUT: DLNR02 6 AT 04NOV2016 13:20:34

Nov 4, 2016 1:22:13 PM

Printed By: H16DENTC from: DLNR02

Received Time:

13:39:50 11-03-16

Source ORI:

H10LN0000

Summary:

ADLB: [REDACTED]

View Message Details

ADLB DRIVER LICENSE GENERAL ROOT INQUIRY ZADLSIM  
PF KEY DATE 11/03/16 13:40 TERM RY01  
P/L/U/T LICENSE SSN LIC STATUS BIRTHDATE CLASS CDL CTY LIC EXPIRES  
L S [REDACTED] [REDACTED] ACTIVE [REDACTED] H [REDACTED]  
ENDORS RSTR MED-REC=

NAME POMROY, HENRY, K, 3RD

LAST NAME POMROY

SUFFIX 3RD

FIRST NAME HENRY

MIDDLE NAME K

MAIL ADDRESS [REDACTED]

HOME ADDRESS [REDACTED]

HEIGHT WEIGHT HAIR EYES SEX  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

ISSUE DATE CARD DATE

09/14/1989 11/18/2010

PF3:NAME INQUIRY PF21:NEXT SSN

22:HELP

[REDACTED] DRIVERS LICENSE NUMBER HAS AN OUTSTANDING VIOLATION.

MRI 759795 IN: RK01ADLB 354 AT 03NOV2016 13:39:50

OUT: DLNR02 3 AT 03NOV2016 13:39:50

Nov 4, 2016 1:21:05 PM

Printed By: H18DENTC from: DLNR02

Received Time: 13:19:32 11-04-16 Source ORI: HI0020702  
Summary: M55L: [REDACTED]  
View Message Details

DLNR02 00010 AT 13:19 11/04/2016  
RX05M55L  
MRI-785521

Received Time: 13:19:32 11-04-16 Source ORI: HILIC0000  
Summary: M55L: LIC=304HDY TYP=1  
View Message Details

M55L/1 [REDACTED]  
PLATE: [REDACTED] STATUS: A SPEC-ELT: [REDACTED] EXPIR-DATE: 03 17  
VIN: [REDACTED] MAKE: [REDACTED] TYPE: [REDACTED] YR-MODEL: [REDACTED] COLOR: [REDACTED]  
RO-NAME: POMROY HENRY PHON-CODE: P560H COUNTY: H  
RO-ADDRESS: [REDACTED] RO-CITY: HILO HI [REDACTED]  
LO-EM: SAME SP-EXP: 12 16 TCI-NO: [REDACTED]  
LO-ADDRESS: [REDACTED] LO-CITY: [REDACTED]  
1ST-SOLD: 03 29 05 DT-ISS: 08 29 16 TK-RT: F HVDC: TVB: BAD-CK: SP-VEH: 1  
NET-WT: 06950 GVW: 000000 EXMPT: FUEL: D ODOM: 176616 ODOM-EXC: N ODOM-DSC: N  
MO-EX: 00 TAX-COLL: 0.00 PENALTY-AMT: 0.00 FLT-EMB: .00 OT-FND:  
PRI-PT: 578HDR XRF-PT: VO: N MO: N DUP-DT: LS-UDT: 08 29 16  
ELT KEY:  
F1:MPL F2:NOT F3:MCP F5:MFC F6:MAC F7:MCMT F10:MNR F11:MVRN F12:MFEE

MRI 785522 IN: RX05M55L 544 AT 04NOV2016 13:19:32  
OUT: DLNR02 4 AT 04NOV2016 13:19:32

DAVID Y. IBE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF BOATING AND OCEAN RECREATION  
HAWAII DISTRICT OFFICE  
74-380 KEALAKEHE PARKWAY  
KAILUA-KONA, HAWAII 96740-2704

PHONE (808) 327-3680 FACSIMILE: (808) 327-3683

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KENOA KALUHWAI  
FIRST DEPUTY

JEFFREY T. PEARSON  
DEPUTY DIRECTOR - WATER

EDWARD UNDERWOOD  
ADMINISTRATOR  
DIVISION OF BOATING & OCEAN RECREATION

BOR-H 035.17

Henry K. Pomroy  
Ho'okupu Fish Company  
[REDACTED]

September 14, 2016

Dear Mr. Pomroy:

**SUBJECT: CEASE & DESIST COMMERCIAL OPERATIONS**

According to reports, including an investigative report from the Division of Conservation and Resource Enforcement (DOCARE), state that the recreational vessel "Hookupu" HA 9689 H, has been conducting commercial operations.

Per, Hawaii Administrative Rule (HAR) §13-231-54 Commercial vessel; "Commercial vessel" as used in this subchapter means a vessel engaged in any trade or business including, but not limited to, carrying passengers for hire, charter fishing, bare boat (demise) or any type of charter maintenance, harvesting coral or similar resources, construction, towing, tow-boating, or other trade or business wherein the vessel is used in any manner to promote the venture, or is registered with the State or documented by the United States Coast Guard for commercial use.

This vessel has not been issued a commercial permit for these type of activity which is a violation of HAR §13-231-3 Use permits; issuance. (a) "Use permit" as used in these rules means the authorization by the department to utilize state boating facilities, offshore mooring areas, offshore mooring, state ocean waters, and navigable streams, as evidenced by the fully executed "agreement" described in section 13-231-2. The department may issue the following types of use permits:

(6) Commercial use permit. A use permit which authorizes the owner of a commercial vessel to engage in commercial activities as specified in the permit

Per HAR §13-231-51, "no person shall engage in any business or commercial activity at any small boat harbor or other small boat facility without:

- (1) Prior written approval of the department; or
- (2) The proper execution of an agreement with the department."

You are hereby notified to cease and desist offering commercial tours, as they are contrary to Hawaii Administrative Rule.

**BOR-H 035.17**  
**September 14, 2016**

**Failure to do so could result in fine(s), citation(s), forfeiture of equipment, and/or a legal action against you. We hope this action will not be necessary.**

**Sincerely,**

  
**William E. Taylor**  
**Hawaii District Manager**

**Cc: Administrator**  
**DOCARE**  
**Stephen Strauss**

**SENT BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED**



17-329

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-0328-HA	District Puna	Lead Investigator Dente, Craig	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 10/27/2016 07:50AM	Location Pohohi	Classification OWNWB: NO BOATING SAFETY COURSE		Connecting Reports 17-0328-HA

**Incident & Report Control Form**

DCRARS (Rev. 6/11)

**A. COMPLAINT**

Taken By: Craig Dente      Reported Date/Time: 10/27/2016 07:50AM  
How Taken: On Boat

Complainant: Craig Dente  
Home      Work      Cell

Phone:

Address:

Incident Summary: Description: No Boating Safety Course

Suspect: Henry POMROY

Vehicle/Vessel: HOOKUPU (HAB698H)

Location: Pohohi

Occurred From: 10/27/2016 07:50AM

Location Notes:

Occurred To:

**B. REPORT CONTROL**

Branch: Hawaii  
District: Puna  
Lead Investigator: Craig Dente  
Date Assigned: 10/27/2016 02:17PM

**C. NOTES/DISPOSITION/OTHER INFO**

CLOSED - CITATION ISSUED (062425)

KONA _____	ST. PARKS _____
HILO _____	DOBOR _____
KAMUELA _____	PROSECUTOR <u>IL-DIE</u>
HONOLULU _____	FEDERAL _____
AQUATICS _____	HP _____
DOFAW _____	OCCL _____
LAND DIV _____	

**State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement**

INVESTIGATION # 17-0328-HA	District Puna	Lead Investigator Dente, Craig	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes / <input type="checkbox"/> No
Date/Time Reported 10/27/2016 07:50AM	Location Pohohi	Classification OWNWB: NO OPERATOR SAFETY COURSE		Connecting Reports 17-0328-HA

**Investigation Report**

<b>VEHICLE</b>	1. CLASSIFICATION OWNWB: NO OPERATOR SAFETY COURSE						2. SOURCE On Boat	
	3. COMPLAINANT'S NAME Craig Dente			4. SEX	5. RACE	6. AGE	7. BIRTH DATE	8. OCCUPATION
	9. ADDRESS			10. PLACE EMPLOYED/SCHOOL ATTENDING		11. HOME	12. WORK	13. CELL
	14. LOCATION OF INCIDENT/INTERSECTING STREET Pohohi Basin					15. DATE/TIME OCCURRED 10/27/2016 07:50AM		16. DATE/TIME REPORTED 10/27/2016 07:50AM
<b>VEHICLE</b>	17. TYPE Boat	18. YEAR 2012	19. MAKE Fiberglass Catamaran	20. MODEL Yardbuilt	21. COLOR White	22. LICENSE/HA No. HA9869H	23. LENGTH 25	24. STOLEN No
	25. REGISTERED OWNER Henry Pomroy		26. ADDRESS			27. HOME	28. WORK	29. CELL
	30. NOTES							
	31. TYPE	32. YEAR	33. MAKE	34. MODEL	35. COLOR	36. LICENSE/HA No.	37. LENGTH	38. STOLEN
<b>PEOPLE</b>	39. REGISTERED OWNER		40. ADDRESS			41. HOME	42. WORK	43. CELL
	44. NOTES							
	45. NAME Henry Pomroy		46. SEX Male	47. RACE White	48. AGE	49. BIRTH DATE	50. OCCUPATION fisherman	
	51. CATEGORY Suspect		52. ADDRESS			53. HOME	54. WORK	55. CELL
<b>PEOPLE</b>	56. NAME		57. SEX	58. RACE	59. AGE	60. BIRTH DATE	61. OCCUPATION	
	62. CATEGORY		63. ADDRESS			64. HOME	65. WORK	66. CELL
	67. NAME		68. SEX	69. RACE	70. AGE	71. BIRTH DATE	72. OCCUPATION	
	73. CATEGORY		74. ADDRESS			75. HOME	76. WORK	77. CELL
<b>SYNOPSIS</b>	78. SYNOPSIS Observed suspect operating vessel HA9869H in Pohohi Basin. Conducted safety inspection. Suspect not in possession of a boating safety course certificate of completion. Citation 05425 LNR issued. Additional warning given for expired certificate of number.  INVESTIGATION CONTINUING							
	79. REPORT WRITTEN BY Dente, Craig							
<b>WRITER</b>	80. BADGE No. 236	81. DATE/TIME WRITTEN 11/03/2016 11:43AM		82. SUPERVISOR Waller, James		83. DATE/TIME APPROVED 11/03/16 HAT		84. BADGE No. 19
	85. DISPOSITION							

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-0328-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 10/27/2016 7:50:00 AM	LOCATION Pohokai	CLASSIFICATION OWNWB: NO OPERATOR SAFETY COURSE	CONNECTING REPORT(S) 17-0328-HA

Report Type: ☒ Continuation of Report ☐ Supplemental ☐ Follow Up  
 Date/Time Written: 11-03-2016 / 1300 hrs  
 Written By: Dente, Craig

## Report

### ASSIGNMENT

While on duty as DOCARE 637 on 10-27-2016, at approximately 0750 hrs, I was patrolling the Puna coastline. I observed a vessel enter the Pohokai Boat Basin and recover onto a smallboat trailer at the Pohokai Boat Ramp. I conducted a safety inspection of the vessel immediately after it was recovered from the water and found that the operator was not in possession of a boating safety course certificate of completion (or a suitable alternative). I issued a citation under HAR 13-244-15.5(a).

### SCENE

- Location: Pohokai Boat Basin and Boat Ramp
- Weather: Clear / Sunny
- Water Conditions: Approximately 2-4 foot easterly wind waves, with a 3-5 foot long-period easterly ground swell

### VESSEL

- HA 9889 H "HOOKUPU": 25 foot length; white; fiberglass; power catamaran; twin 150 HP outboard engines
- Vessel was displaying current and adequate vessel numbering and registration decals

### OPERATOR IDENTIFIED

The vessel operator produced a Hawaii State Driver's License [REDACTED] identifying himself as Henry K. POMROY, [REDACTED]

### PASSENGERS

The vessel had six passengers onboard. See connecting 17-0328-HA for more details.

### CONDUCTED SAFETY INSPECTION

I conducted a safety inspection of the vessel, utilizing a DOCARE form 27, Report of Boarding, which is attached as Exhibit (A). I found all safety equipment and administrative requirements to be in suitable condition, with two exceptions:

1. During the safety inspection, I asked POMROY to present a Boating Safety Course Certificate of Completion, to which he replied that he was not in possession of one. When asked if he possessed a valid Merchant Mariner Credential (which is a suitable alternative under HAR 13-244-15.5), POMROY stated that he also did not have a valid Merchant Mariner Credential.
2. I also found that POMROY was in possession of a Certificate of Numbers that expired in July of 2016. POMROY stated that he had not received his updated Certificate of Numbers card from DOBOR, but his vessel registration was up to date. I checked the registration decals that were properly affixed to the bow of both sides of HA 9889 H, and they were both current, indicating that the vessel's registration was current.

(Continued on Next Page)

Dente, Craig  
Officer

238  
Badge No.

11-03-2016 / 1300 hrs  
Date / Time

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-0329-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 10/27/2018 7:50:00 AM	LOCATION Pahohi	CLASSIFICATION OWNMB: NO OPERATOR SAFETY COURSE	CONNECTING REPORT(S) 17-0328-HA

## Report (Continued)

### VIOLATIONS OBSERVED

During the inspection, I found that POMROY was in violation of the following:

1. HAR 13-244-15.5(a) Boating Safety Course Certificate of Completion
2. HAR 13-241-10(e) Expired Certificate of Numbers

### CITATION ISSUED

I issued POMROY citation 082425 LNR under HAR 13-244-15.5(a) for not being in possession of a NASBLA Approved Boating Safety Course Certificate of Completion. POMROY signed the citation, acknowledging his mandatory court appearance on December 18, 2018 in S. Hilo Courtroom 2B at 0830 hrs.

### WARNING ISSUED

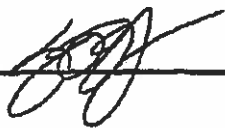
I issued POMROY a verbal warning under HAR 13-241-10(e) for being in possession of an expired Certificate of Numbers. POMROY stated that he would proceed to the Hilo DOBOR office immediately to rectify this deficiency.

### DISPOSITION

CLOSED - CITATION ISSUED (082425 LNR)

(End of Report)

Dente, Craig  
Officer



238  
Badge No.

11-03-2018 / 1300 hrs  
Date / Time

**State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement**

<b>INVESTIGATION #</b> 17-0328-HA	<b>District</b> Puna	<b>Lead Investigator</b> Dente, Craig	<b>Report Status</b> In Progress	<b>Key Report</b> (X) Yes ( ) No
<b>Date/Time Reported</b> 10/27/2018 07:50AM	<b>Location</b> Pohokai	<b>Classification</b> OWNWB: NO OPERATOR SAFETY COURSE		<b>Connecting Reports</b> 17-0328-HA

## WARNINGS

**Issuing Officer** Dente, Craig **Issue Date/Time** 10/27/2018 08:30AM  
**Defendant** Pomroy, Henry (Suspect)  
**Notes** Owner in possession of an expired certificate of number, however current certificate of number decals were displayed onboard the vessel, indicating he was in possession of an old card, but the actual vessel registration was up to date. Verbal warning issued.

**Violation** 13-241-10(a) EXPIRED CERTIFICATE OF NUMBER **Activity Code** 1720 Ocean Waters, Navigable Waters, Beaches

**Vehicle**  
HA9889H (Fiberglass Catamaran /  
Yardbuilt)

REPORT OF  
BOARDING

DATE

10-27-2016

BOARDING TIME

0805

VESSEL DATA	VESSEL NUMBER HA 9689 H		VESSEL NAME HOOKUPU		HIN TEN 25003C010																																																																
	MAKE INTRUDER		TYPE OF BOAT ADULT SIZE 7	PROPULSION <input type="checkbox"/> Open MB <input checked="" type="checkbox"/> Cabin MB <input type="checkbox"/> Sail <input type="checkbox"/> Rowboat <input type="checkbox"/> Canoe/Kayak <input type="checkbox"/> Houseboat <input type="checkbox"/> Inflatable <input type="checkbox"/> Thriftcraft <input type="checkbox"/> Other (Specify):	FUEL MATERIAL <input type="checkbox"/> Wood <input type="checkbox"/> Aluminum <input type="checkbox"/> Steel <input checked="" type="checkbox"/> Fiberglass <input type="checkbox"/> Rubber/Vinyl <input type="checkbox"/> Cement <input type="checkbox"/> Other (Specify):																																																																
	MODEL YACHT	NET TONS —	LENGTH 25.0'	CHILD SIZE 0	ENGINE/COMPARTMENT <input checked="" type="checkbox"/> Open <input checked="" type="checkbox"/> Closed (F/E & Vent reg) FUEL COMPARTMENT <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed (F/E & Vent reg) CONSTRUCTION <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed (F/E & Vent reg)																																																																
	MODEL YR. 2012	USE 1. Commercial 2. Pleasure 3. Passenger	HP 300																																																																		
OWNER	NAME HENRY POMROY / BILL FUJIMOTO				<input checked="" type="checkbox"/> OWNER WAS OPERATOR <input type="checkbox"/> OWNER ON BOARD NOT OPERATOR <input type="checkbox"/> OWNER NOT ON BOARD <input type="checkbox"/> RENTAL BOAT																																																																
	ADDRESS [REDACTED]				OPERATOR COURSES <input checked="" type="checkbox"/> None <input type="checkbox"/> Coast Guard <input type="checkbox"/> CG Auxiliary <input type="checkbox"/> Power Squadron <input type="checkbox"/> Red Cross <input type="checkbox"/> Public School <input type="checkbox"/> State/county																																																																
OPERATOR	NAME HENRY POMROY				OPERATOR AGE IF UNDER 18: N/A																																																																
	ADDRESS SAME AS				OPERATOR TELEPHONE: [REDACTED]																																																																
OBSERVED IN USE		BODY OF WATER PACIFIC OCEAN		DETAILED LOCATION POHOIKI BOAT RAMP																																																																	
		CITY PALUA																																																																			
		COUNTY HAWAII																																																																			
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REMARKS (Continue on reverse, add extra sheets if necessary): CITED FOR NO OPERATOR WARNED FOR EXPIRED CERTIFICATE																																																																					
BOARDING OFFICER'S NAME C. DENTE		RANK CREW III	UNIT DOCARE	DISTRICT E. HAWAII																																																																	
DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT DEPARTMENT OF LAND AND NATURAL RESOURCES STATE OF HAWAII		BOARDING OFFICER'S SIGNATURE [Signature]																																																																			

COPY

Nov 3, 2016 1:41:12 PM

Printed By: H15DENTC from: DLNR02

Received Time: 13:39:50 11-03-16 Source ORI: HI0020702  
Summary: ADLB: [REDACTED]  
View Message Details

DLNR02 00007 AT 13:39 11/03/2016  
RX01ADLB  
MRI-759794

Received Time: 13:39:50 11-03-16 Source ORI: HI0LN0000  
Summary: ADLB: [REDACTED]  
View Message Details

ADLB DRIVER LICENSE GENERAL ROOT INQUIRY EADLB1M  
PF KEY DATE 11/03/16 13:40 TERM RX01  
P/L/U/T LICENSE SSN LIC STATUS BIRTHDATE CLASS CDL CTY LIC EXPIRES  
L S [REDACTED] [REDACTED] ACTIVE [REDACTED] [REDACTED] H [REDACTED]  
ENDORS RSTR MED-REC=

NAME POMROY, HENRY, K, 3RD

LAST NAME POMROY

SUFFIX 3RD

FIRST NAME HENRY

MIDDLE NAME K

MAIL ADDRESS [REDACTED]

HOME ADDRESS [REDACTED]

HEIGHT WEIGHT HAIR EYES SEX  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

ISSUE DATE CARD DATE  
09/14/1989 11/18/2010

PF3: NAME INQUIRY PF21: NEXT SSN

22: HELP

7888 DRIVERS LICENSE NUMBER HAS AN OUTSTANDING VIOLATION.

MRI 759795 IN: RX01ADLB 354 AT 03NOV2016 13:39:50  
OUT: DLNR02 3 AT 03NOV2016 13:39:50

* REG. # (HA-XXXX-XX)	HULL ID	DECAL #	RAMP #	STATUS	EXP. DATE (MM/YY)
HA-9689-H	TEN25003C010	R11318	R39416	INACTIVE	07/17

PRINCIPAL OWNER	CO-OWNER	LIEN HOLDER - MORTGAGEE	VESSEL	VESSEL MISC	HULL	NOTES
-----------------	----------	-------------------------	--------	-------------	------	-------

**PRINCIPAL OWNER**

BUSINESS

\* LAST NAME  
POMROY\* FIRST NAME  
HENRYMIDDLE NAME  
K

DATE OF BIRTH (MM-DD-YYYY)

CONTACT PHONE XXX-XXX-XXXX

\* EMAIL

\* CITIZENSHIP OF OWNER  
UNITED STATES**MAILING ADDRESS**

\* STREET1

\* CITY

\* STATE

\* ZIP CODE

\* COUNTRY  
UNITED STATES

PROVINCE

**STREET ADDRESS**☒ SAME AS MAILING ADDRESS

\* = REQUIRED

LAST UPDATED: 10-19-2016 07:16:40 PM, Esther M Kadohiro



* REG. # (HA-XXXX-XX)	HULL ID	DECAL #	RAMP #	STATUS	EXP. DATE (MM/YY)
HA-9889-H	TEN25003C010	R11318	R39416	INACTIVE	07/17

PRINCIPAL OWNER	CO-OWNER	LIEN HOLDER - MORTGAGEE	VESSEL	VESSEL MISC	HULL	NOTES
-----------------	----------	-------------------------	--------	-------------	------	-------

CO-OWNERS	STREET	CITY	STATE/PROVINCE	ZIP CODE	COUNTRY
FUJIMOTO, BILL A.G.					US

VIEW CO-OWNER

BUSINESS

LAST NAME  
FUJIMOTOFIRST NAME  
BILLMIDDLE INITIAL  
A.G.

DATE OF BIRTH (MM-DD-YYYY)

CONTACT PHONE XXX-XXX-XXXX

EMAIL

\* STREET ADDRESS

STREET1

CITY

STATE

ZIP CODE

COUNTRY  
UNITED STATES

PROVINCE

LAST UPDATED: 09-22-2015 04:23:00 PM, Loviann C Domingo

* REG. # (HA-XXXX-XX)	HULL ID	DECAL #	RAMP #	STATUS	EXP. DATE (MM/YY)
HA-9689-H	TEN25003C010	R11318	R39416	INACTIVE	07/17

PRINCIPAL OWNER	CO-OWNER	LIEN HOLDER	MORTGAGEE	VESSEL	VESSEL MISC	HULL	NOTES
-----------------	----------	-------------	-----------	--------	-------------	------	-------

## \* VESSEL

NAME	YEAR BUILT	YEAR MODEL	* FEET	* INCHES
HOOKAPU'U	2012	2012	25	00
HOMEBUILT?				

## \* ENGINE

MANUFACTURER	SERIAL NUMBER
HONDA	N/A

## \* TYPE OF VESSEL

1-CABIN MOTORBOAT

## \* PRINCIPAL USE

1-PLEASURE

## \* TYPE OF FUEL

1-GASOLINE

## \* PROPULSION

1-OUTBOARD

\* - REQUIRED

REG # (HA-XXXX-XX)	HULL ID	DECAL #	RAMP #	STATUS	EXP. DATE (MM/YY)
HA-9589-H	TEN25003C010	R11318	R39416	INACTIVE	07/17

PRINCIPAL OWNER	CO-OWNER	LIEN HOLDER - MORTGAGEE	VESSEL	VESSEL MISC	HULL	NOTES
-----------------	----------	-------------------------	--------	-------------	------	-------

**\* RADIO COMMUNICATIONS**

4-BOTH

**\* PLACE VESSEL KEPT**1-MOORED, 2-STORED ON LAND  
STORED ON LANDISLAND  
HAWAII / BIG ISLAND**IF VESSEL REGISTERED AS COMMERCIAL**

NET TONS (IF BOAT IS OVER 30 FT)

AVG. NO OF PASSENGERS

USE TRAILER TO LAUNCH BOAT FROM STATE BOAT RAMP  
YES**IF VESSEL REGISTERED AS PLEASURE**IF FISHING (OF ANY KIND) IS NOT YOUR PRINCIPLE USE, DO YOU EVER USE YOUR VESSEL FOR NON-COMMERCIAL OR  
RECREATIONAL FISHING? [ NO ]

* REG. # (HA-XXXX-XX) HA-9689-H	HULL ID TEN26003C010	DECAL # R11318	RAMP # R39416	STATUS INACTIVE	EXP. DATE (MM/YY) 07/17
------------------------------------	-------------------------	-------------------	------------------	--------------------	----------------------------

PRINCIPAL OWNER	CO-OWNER	LIEN HOLDER - MORTGAGEE	VESSEL	VESSEL MISC	HULL	NOTES
-----------------	----------	-------------------------	--------	-------------	------	-------

**HULL**

\* NUMBER OF HULLS  
2

\* HULL MANUFACTURER  
TERN BOATS

\* HULL COUNTRY  
UNITED STATES

\* HULL COLOR  
WHITE

\* CABIN COLOR  
WHITE

\* TRIM COLOR  
WHITE

**\* HULL MATERIAL**

3-FIBERGLASS/PLASTIC

# DOCARE COMPLAINT & SUMMONS

In the DISTRICT COURT

of the THIRD

JUDICIAL CIRCUIT, STATE OF HAWAII

STATE

JUVENILE

Doi No. [REDACTED]

NAME

POMROY

NAME

HENRY

K

Current/Mailing Address

City, State, Zip

Place of Employment  
School or Bureau of Service

Is this a Juvenile, or a Minor?

Parent/Guardian/Person  
Registered owner of vehicle/boat

HENRY POMROY/BILL FUJIMOTO

Phone number (Day)

Did you  
about the

27th

10-27-2016

7:00

01:50

PM

Get description of Vehicle/Vessel

HA 9684 H

Vehicle/Vessel

Make/Model

POWELL

at location

POHOIKI BASIN

and did commit the offense of

NO BOATING SAFETY COURSE

SECTION:

13-244-15.5(a)

EVIDENCE TAKEN

Yes

DESCRIPTION OF EVIDENCE

Read of the charges is acknowledged (Your signature is not an admission of guilt)

X

The undersigned alleges that the person named above committed the offense herein set forth.

Date of Issue

10-27-2016

Time

01:50

Print Name, Date, and Signature

CORINTE CREO TIE

236

Ball Forfeiture by Mail Permitted

Yes

No

Print Name, Date, and Signature

CORINTE CREO TIE

236

Print Name, Date, and Signature

CORINTE CREO TIE

236

Print Name, Date, and Signature

CORINTE CREO TIE

236

Print Name, Date, and Signature

CORINTE CREO TIE

236

Your court appearance date is:

DATE

DECEMBER 16, 2016

8:30

AM

COURTROOM

2B

Print Name, Date, and Signature

CORINTE CREO TIE

236

Print Name, Date, and Signature

CORINTE CREO TIE

236

Print Name, Date, and Signature

CORINTE CREO TIE

236

OFFICER

beyond its safe power capacity taking into consideration the type and construction of the vessel and other existing operating conditions. Capacity and horsepower limitations shall be in conformance with 33 CFR Part 183. [Eff 2/24/94, comp ]  
(Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

~~§19-24.15.5 Operation of power driven vessels~~  
(a) ~~Any person operating a power driven vessel on the waters of the state shall be required to possess a certificate of completion from a National Association of State Boating Law Administrators (NASBLA) approved course on the safe use and operation of a power driven vessel that contains a component on Hawaii waters approved by the department. Exempt from this requirement are persons who~~

~~(1) possess a valid menhaden fishing license issued to operate a vessel issued by the United States Coast Guard pursuant to 46 CFR Part 101 or~~

(2) Operate a thrill craft in a commercial thrill craft zone as authorized by the State, or

(3) Operate a motor vessel that is ten horsepower or less, or

(4) Are on a voyage originating outside of the state and remain in the state less than sixty calendar days

(b) A person under sixteen (16) years of age shall not operate a power driven vessel on the waters of the state unless accompanied on-board and directly supervised by a person twenty-one (21) years of age or older who holds the required certificate of completion.

(c) A person or the person's responsible managing employee or agent engaged in the business of renting or leasing power driven vessels shall not rent or lease a power driven vessel to any person for operation on the waters of the State unless the person:

- (1) Meets all the requirements of this rule by providing a safety briefing as approved by the department; and
- (2) Is identified on the rental or lease agreement for a power driven vessel by name and age. A person or the person's agent or employee renting or leasing power driven vessels who fails to request and inspect certificates or evidence of exemption is in violation of this rule.

(d) A person who is operating a power driven vessel on any waters of the State and who is stopped by a law enforcement officer shall present to the officer, upon request, a certificate of completion required by this rule or acceptable evidence of exemption from the required certificate. Failure to present a certificate of completion or acceptable evidence of exemption shall constitute a violation of this rule, unless the person presents the required certificate or evidence of exemption to a court of law and satisfies the court that this person held a proper certificate or was exempt at the time the person was asked to produce the certificate.

(e) A person who alters, forges, counterfeits or falsifies a certificate or other document used as evidence, or who possesses a certificate or other document that has been altered, forged, counterfeited or falsified, or who loans or permits that person's certificate or other document to be used by another person, shall be in violation of this rule.

(f) The department shall maintain a list of NASBLA approved courses that provide a department approved component on Hawaii waters, which shall include but not be limited to:

- (1) Local ocean safety principles and practices; and
- (2) Any rules or laws pertaining to protected species and power driven vessel operation in the State.

(g) This rule shall be enforced beginning on the second anniversary date of the rule's effective date.

(h) Pursuant to section 200-25, Hawaii Revised

Statutes, any person violating this rule shall be fined not less than \$50 and not more than \$1000 or sentenced to a term of imprisonment of not more than thirty days, or both, for each violation; provided that in addition to, or as a condition to the suspension of, the fines and penalties, the court may deprive the offender of the privilege of operating any vessel in the waters of the State for a period of not more than thirty days. [Eff 11/10/12, am and comp ] (Auth: HRS §§200-2, 200-3, 200-4, 200-21, 200-22, 200-24, 200-25) (Imp: HRS §§200-2, 200-3, 200-4, 200-21, 200-22, 200-24, 200-25)

§13-244-16 Restricted areas. No person shall operate a vessel within a water area which has been clearly marked, in accordance with, and as authorized by, these rules by buoys or some other distinguishing device as a bathing, swimming or otherwise restricted area; provided that this section shall not apply in the case of an emergency, or to patrol or rescue craft. [Eff 2/24/94, comp ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-17 Riding on bow or gunwales prohibited. No person operating a motorboat of twenty-six feet or less in length shall allow any person to ride or sit on the gunwales thereof or on the decking over the bow of the vessel while underway unless the motorboat is provided with adequate guards or railing to prevent passengers from being lost overboard. Nothing in this section shall be construed to mean that passengers or other persons aboard a motorboat cannot occupy the decking over a bow of the boat to moor the vessel or to cast off from a mooring, or for any other necessary purpose. [Eff 2/24/94, comp ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-18 Waterskiing; dangerous practices prohibited; hand signals. (a) No motorboat which



**§200-25 Fines and penalties.** Any person violating this part, or any rule adopted pursuant to this part, shall be fined not less than \$50 and not more than \$1,000 or sentenced to a term of imprisonment of not more than thirty days, or both, for each violation; provided that in addition to, or as a condition to the suspension of, the fines and penalties, the environmental court may deprive the offender of the privilege of operating any vessel, including but not limited to any thrill craft or vessel engaged in parasailing or water sledding, in the waters of the State for a period of not more than thirty days. [L 1991, c 272, pt of §2; am L 1997, c 204, §2; am L 2014, c 218, §8]

[Previous](#)[Vol03\\_Ch0121-0200D](#)[Next](#)

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF BOATING AND OCEAN RECREATION  
HAWAII DISTRICT OFFICE  
74-380 KEALAKEHE PARKWAY  
KAILUA-KONA, HAWAII 96740-2704

PHONE: (808) 327-3680 FACSIMILE: (808) 327-3683

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHWA  
FIRST DEPUTY

JEFFREY T. PEARSON  
DEPUTY DIRECTOR - WATER

EDWARD UNDERWOOD  
ADMINISTRATOR  
DIVISION OF BOATING & OCEAN RECREATION

BOR-H 035.17

Henry K. Pomroy  
Ho'okupu Fish Company  
1694 Koele St.  
Hilo, HI 96720

September 14, 2016

Dear Mr. Pomroy:

**SUBJECT: CEASE & DESIST COMMERCIAL OPERATIONS**

According to reports, including an investigative report from the Division of Conservation and Resource Enforcement (DOCARE), state that the recreational vessel "Hookupu" HA 9689 H, has been conducting commercial operations.

Per, Hawaii Administrative Rule (HAR) §13-231-54 Commercial vessel; "Commercial vessel" as used in this subchapter means a vessel engaged in any trade or business including, but not limited to, carrying passengers for hire, charter fishing, bare boat (demise) or any type of charter maintenance, harvesting coral or similar resources, construction, towing, tow-boating, or other trade or business wherein the vessel is used in any manner to promote the venture, or is registered with the State or documented by the United States Coast Guard for commercial use.

This vessel has not been issued a commercial permit for these type of activity which is a violation of HAR §13-231-3 Use permits; issuance. (a) "Use permit" as used in these rules means the authorization by the department to utilize state boating facilities, offshore mooring areas, offshore mooring, state ocean waters, and navigable streams, as evidenced by the fully executed "agreement" described in section 13-231-2. The department may issue the following types of use permits:

(6) Commercial use permit. A use permit which authorizes the owner of a commercial vessel to engage in commercial activities as specified in the permit

Per HAR §13-231-51, "no person shall engage in any business or commercial activity at any small boat harbor or other small boat facility without:

- (1) Prior written approval of the department; or
- (2) The proper execution of an agreement with the department."

You are hereby notified to cease and desist offering commercial tours, as they are contrary to Hawaii Administrative Rule.

**Exhibit "B"**

BOR-H 035.17  
September 14, 2016

Failure to do so could result in fine(s), citation(s), forfeiture of equipment, and/or a legal action against you. We hope this action will not be necessary.

Sincerely,

  
William E. Taylor  
Hawaii District Manager

Cc: Administrator  
DOCARE  
Stephen Strauss

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.


1. Article Addressed to:

Henry K. Pomroy  
Ho'okupu Fish Company  
1694 Koele Street  
Hilo, HI 96720

BOR-H 035.17

COMPLETE THIS SECTION ON DELIVERY

A. Signature

  
B. Received by (Printed Name)  
H.K. Pomroy

- ☐ Agent  
☐ Addressee

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail® ☐ Priority Mail Express™  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal Service  
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 4.65
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.465

2. Article Number  
(Transfer from service label)

7014 0150 0000 4324 3989

PS Form 3811, July 2013

Domestic Return Receipt

BOR-H 035.17

Sent To  
Henry K. Pomroy  
Street, Apt. No. or PO Box No.  
Ho'okupu Fish Co.  
1694 Koele Street  
City, State, ZIP+4  
Hilo, HI 96720

PS Form 3800, August 2005

See Reverse for Instructions

MAIL - RETURN RECEIPT REQUESTED

7014 0150 0000 4324 3989

**State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement**

<b>INVESTIGATION #</b> 17-0602-HA	<b>District</b> East Hawaii	<b>Lead Investigator</b> Dente, Craig	<b>Report Status</b> In Progress	<b>Key Report</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Date/Time Reported</b> 01/08/2017 08:00AM	<b>Location</b> Puna	<b>Classification</b> SBH: COMMERCIAL ACTIVITY		<b>Connecting Reports</b>

**Incident & Report Control Form**

DOCARE-5 (Rev. 8/03)

**COPY**

**A. COMPLAINT**

**Taken By:** Craig Dente

**Reported Date/Time:** 01/08/2017 08:00AM

**How Taken:** On Beat

**Complainant:** Craig Dente

**Home**      **Work**      **Cell**

**Phone:**

**Address:**

**Incident Summary:** Description: COMMERCIAL ACTIVITY

Suspect: HENRY POMROY

Vehicle/Vessel: HA9689H "HOOKUPU"

**Location:** Puna

**Occured From:** 01/08/2017 08:00AM

**Location Notes:** Pohoiki Boat Ramp

**Occured To:**

**B. REPORT CONTROL**

**Branch:** Hawaii

**District:** East Hawaii

**Lead Investigator:** Craig Dente

**Date Assigned:** 01/09/2017 10:20AM

**C. NOTES/DISPOSITION/OTHER INFO**

INVESTIGATION CONTINUING

**Exhibit "C"**

**State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement**

INVESTIGATION # 17-0802-HA	District East Hawaii	Lead Investigator Dente, Craig	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 01/08/2017 08:00AM	Location Puna	Classification SBH: COMMERCIAL ACTIVITY	Connecting Reports	

## Investigation Report

BASIC	1. CLASSIFICATION SBH: COMMERCIAL ACTIVITY						2. SOURCE On Boat	
	3. COMPLAINANT'S NAME Craig Dente			4. SEX	5. RACE	6. AGE	7. BIRTH DATE	8. OCCUPATION
	9. ADDRESS			10. PLACE EMPLOYED/SCHOOL ATTENDING			11. HOME	12. WORK
	14. LOCATION OF INCIDENT/INTERSECTING STREET Pohoi Boat Ramp			15. DATE/TIME OCCURRED 01/08/2017 08:00AM			16. DATE/TIME REPORTED 01/08/2017 08:00AM	
VEHICLES	17. TYPE Boat	18. YEAR 2012	19. MAKE Fiberglass Catamaran	20. MODEL Yardbuilt	21. COLOR White	22. LICENSE / HA No. HA9689H	23. LENGTH 25	24. STOLEN No
	25. REGISTERED OWNER Henry Pomroy		26. ADDRESS			27. HOME	28. WORK	29. CELL
	30. NOTES							
	31. TYPE Boat Trailer	32. YEAR	33. MAKE Boat	34. MODEL Trailer	35. COLOR	36. LICENSE / HA No.	37. LENGTH	38. STOLEN No
PEOPLE	39. REGISTERED OWNER Henry Pomroy		40. ADDRESS			41. HOME	42. WORK	43. CELL
	44. NOTES							
	45. NAME Henry Pomroy		46. SEX Male	47. RACE White	48. AGE	49. BIRTH DATE	50. OCCUPATION fisherman	
	51. CATEGORY Suspect		52. ADDRESS			53. HOME	54. WORK	55. CELL
PEOPLE	56. NAME Bill FUJIMOTO		57. SEX Male	58. RACE	59. AGE	60. BIRTH DATE	61. OCCUPATION	
	62. CATEGORY Suspect		63. ADDRESS			64. HOME	65. WORK	66. CELL
	67. NAME		68. SEX	69. RACE	70. AGE	71. BIRTH DATE	72. OCCUPATION	
	73. CATEGORY		74. ADDRESS			75. HOME	76. WORK	77. CELL
SYNOPSIS	78. SYNOPSIS While patrolling Pohoi Boat Ramp, I observed HA9689H in the lower parking lot of Isaac Hale Beach Park, dripping wet as if it had recently been trailered. I made contact with four tourists who were standing nearby, who stated that they just returned from a voyage on HA9689H, having paid \$175 each to go on a boat ride to see the lava with "Captain Skosh." Although cooperative at the time, the group later refused to make formal written statements.  INVESTIGATION CONTINUING							
	79. REPORT WRITTEN BY Dente, Craig							
WRITER	80. BADGE No. 236		81. DATE/TIME WRITTEN 01/20/2017 05:45PM		82. SUPERVISOR APPROVAL Weller, James		83. DATE/TIME APPROVED 1/24/17	
	84. BADGE No. 19							

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION #  
17-0602-HA

DISTRICT  
East Hawaii

LEAD INVESTIGATOR  
Craig Dente

KEY REPORT  
☒ Yes ☐ No

DATE / TIME REPORTED  
1/8/2017 8:00:00 AM

LOCATION  
Puna

CLASSIFICATION  
SBH: COMMERCIAL ACTIVITY

CONNECTING REPORT(S)

Report Type: ☒ Continuation of Report ☐ Supplemental ☐ Follow Up  
Date/Time Written: 01-20-2017 / 1800 hrs  
Written By: Dente, Craig

## Report

### ASSIGNMENT

While on duty as DOCARE 637 on 01-08-2017, at approximately 0800 hrs, I was patrolling at Pohoiki Boat Ramp.

### SCENE

Upon entering the lower parking lot of Isaac Hale Beach Park, adjacent to Pohoiki Boat Ramp, I observed HA9689H trailered in the parking lot and dripping wet as if it had just been taken from the water. Nearby, I spotted a pickup truck parked with 4 persons who appeared to be tourists standing by the bed of the truck.

### MADE CONTACT WITH TOURISTS

I made contact with the group and identified myself as a Conservation Officer with DLNR DOCARE. The tourists provided identification, identifying themselves as follows:

Mr. James Lear

[REDACTED]

Mrs. Nichole Lear

[REDACTED]

Mr. & Mrs. Gary & Donna Bakke  
Montana Residents

[REDACTED]

### TOURISTS STATED THEY TOOK A LAVA TOUR ON HA9689H

I asked the group if they had just returned from a tour. The group stated that they just returned from a tour to see the lava flow onboard HA9689H with "Captain Skosh", a person known to me as Henry POMROY. I asked them to describe what the Captain looked like, and the description they provided matched that of Henry POMROY. Mr. James Lear stated that he booked the tour and said that he found out about the tour online at [www.tailmetours.com](http://www.tailmetours.com). I asked the Mr. Lear what they paid to go on the tour, to which he replied that he made a \$100 deposit via credit card to book a reservation through [GregNottingham@tailmetours.com](mailto:GregNottingham@tailmetours.com), and at the ramp, they paid \$175 each in cash to Captain Skosh. Mr. James Lear then showed me that Captain Skosh provided him with a business card to share with his friends. I took a photo of the business card. See attached photo log.

(Continued on Next Page)

Dente, Craig  
Officer



236  
Badge No.

01-20-2017 / 1800 hrs  
Date / Time

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 17-0602-HA	DISTRICT East Hawaii	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 1/8/2017 8:00:00 AM	LOCATION Puna	CLASSIFICATION SBH: COMMERCIAL ACTIVITY	CONNECTING REPORT(S)

## Report (Continued)

### TOURISTS REFUSED TO PROVIDE FORMAL STATEMENT

On 01-12-2016, I contacted Mr. James Lear by telephone. He stated that he and his family were busy and were not interested in providing any further statements.

### DISPOSITION

Due to lack of formal witness statements and their unwillingness to testify, there is not sufficient evidence to charge Henry POMROY with a violation for conducting commercial operations without a ramp use permit under HAR §13-231-3 for adjudication in environmental court. Recommend DOBOR pursue civil penalties.

### CLOSED – FORWARD TO DOBOR FOR POSSIBLE CIVIL PENALTIES

(End of Report)

Dente, Craig  
Officer



236  
Badge No.

01-20-2017 / 1800 hrs  
Date / Time



INVESTIGATION #  
17-0602-HA

DISTRICT  
East Hawaii

LEAD INVESTIGATOR  
Craig Dente

KEY REPORT  
☒ Yes ☐ No

DATE / TIME REPORTED  
1/8/2017 8 00:00 AM

LOCATION  
Puna

CLASSIFICATION  
SBH: COMMERCIAL ACTIVITY

CONNECTING REPORT(S)

Report Description: [Photo Log](#)

Equipment: [iPhone](#)

Date/Time Taken: [01-08-2017 / Approximately 0800 hrs](#)

Weather Conditions: [Clear / Sunny](#)

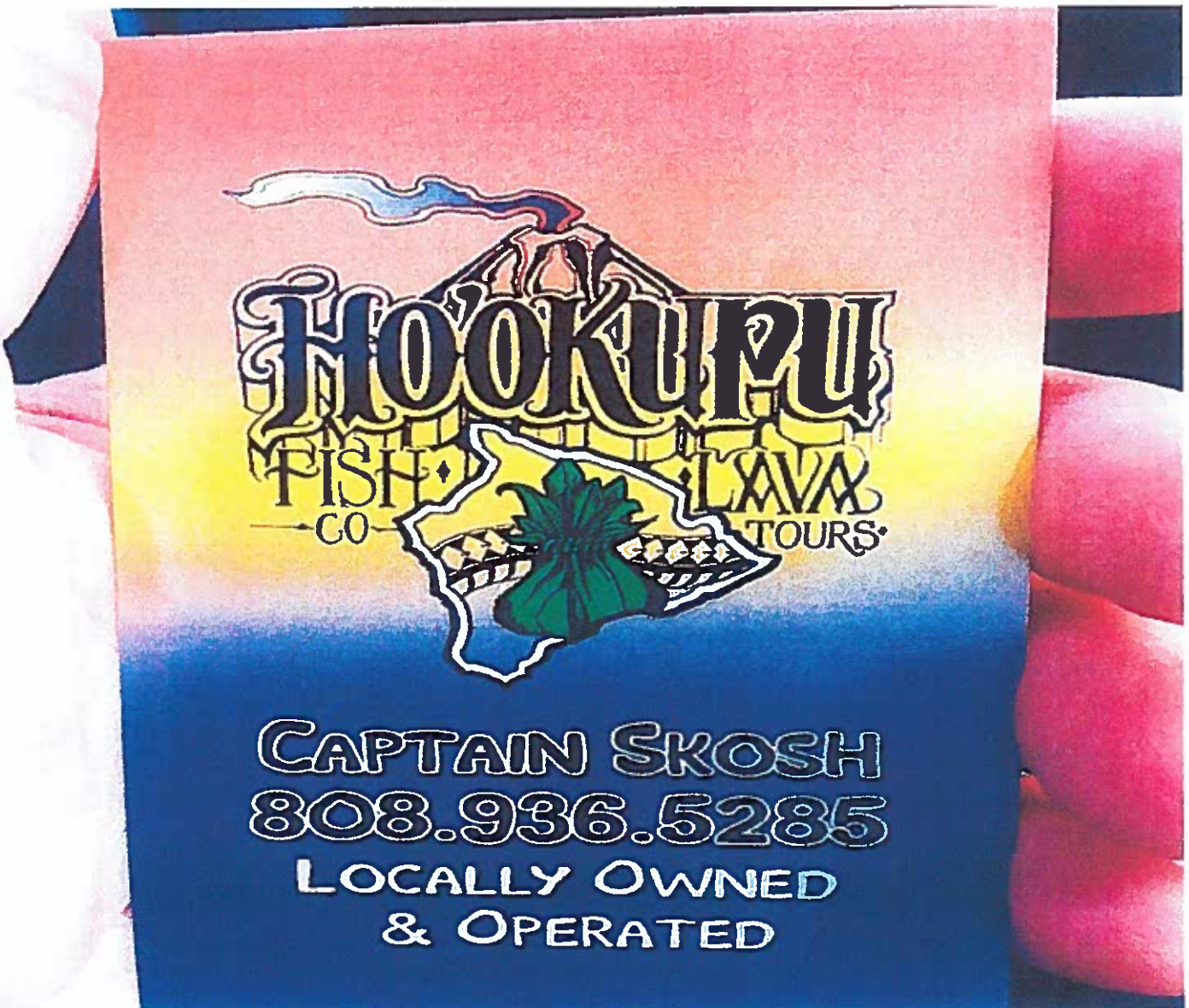
Taken By: [Dente, Craig](#)

Lighting: [Daylight / Natural](#)

Scene: [Parking Lot adjacent to Pohoiki Boat Ramp](#)

Focus: [Auto](#)

1 Depicts Henry "Skosh POMROY Business Card "Hookupu Fish Co. / Lava Tours"





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Thanks for your time and consideration  
of BIG ISLAND LAVA BOAT and we hope  
to hear from you real soon!

Many Mahalos,

we will be able to see the most beautiful  
 and most interesting of the city's sights  
 in the most comfortable and convenient way.

There is no need to worry about the weather  
 as we will be able to see the most beautiful  
 and most interesting of the city's sights  
 in the most comfortable and convenient way.

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