

State of Hawai'i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Boating and Ocean Recreation  
Honolulu, Hawai'i

April 28, 2017

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

Hawai'i

**Administrative Enforcement Action for:**

- 1. Violation of Hawaii Administrative Rules, Section 13-231-51: Business Activities, and Section 13-256-3: Commercial Use Permit or Catamaran Registration Certificate Requirements, Against Ho'okupu Fish Company, LLC, Mr. Henry K. Pomroy, and Mr. William Akira Gushiken Fujimoto for Engaging in Illegal Commercial Operations on state ocean waters from the Pohoiki Boat Ramp, Hawai'i Island Without a Commercial Use Permit;**
- 2. Request for authorization to hold a contested case hearing and for the Chairperson to select a Hearing Officer; and**
- 3. Request for a Consolidation of Any and All Contested Cases Resulting from this Action or Other Related Actions.**

**SUMMARY:**

This submittal requests that the Board of Land and Natural Resources find that Ho'okupu Fish Company, LLC ("Ho'okupu LLC"), Mr. Henry K. Pomroy, and Mr. William Akira Gushiken Fujimoto engaged in commercial activity from a State boating facility (Pohoiki Launch Ramp, Hawaii Island) and on state ocean waters without the permits required by applicable Hawaii Administrative Rule (HAR) provisions.

This submittal replaces and incorporates a previous submittal covering one of the violations addressed herein. A request for a contested case hearing has already been made. Division of Boating and Ocean Recreation (DOBOR) staff anticipates a request for contested case hearing as to this submittal. The persons and entities are entitled to a contested case. DOBOR staff therefore also requests that the Board approve a contested case hearing and authorize the Chairperson to select and appoint a Hearing Officer. All issues regarding this matter should be heard in one proceeding for convenience and efficiency.

**Item J-1**

**Against:** **Mr. Henry K. Pomroy**  
Managing Member of Ho‘okupu Fish Company, LLC  
**Dates of Incidents:** August 6, 2016 – March 22, 2017  
**Location of Incidents:** Pohoiki Boat Launching Ramp, Hawai‘i Island, and state ocean waters adjacent thereto.  
**Violations:**  

1. Six (6) counts of engaging in business or commercial activity at a small boat harbor or other small boat facility without prior written approval or agreement in violation of HAR § 13-231-51: Business Activities. Maximum fine - \$5,000 per violation.
2. Six (6) counts of illegal commercial operation on state ocean waters without a commercial use permit from the Department in violation of HAR § 13-256-3. Maximum fine - \$5,000 per violation.

**Recommended Fine:** Sixty Thousand Dollars (\$60,000.00)

**Against:** **Mr. William Akira Gushiken Fujimoto**  
Managing Member of Ho‘okupu Fish Company, LLC  
**Dates of Incidents:** August 6, 2016 – March 22, 2017  
**Location of Incidents:** Pohoiki Boat Launching Ramp, Hawai‘i Island, and state ocean waters adjacent thereto.  
**Violations:**  

1. Two (2) counts of Engaging in business or commercial activity at a small boat harbor or other small boat facility without prior written approval or agreement in violation of HAR § 13-231-51: Business Activities. Maximum fine - \$5,000 per violation.
2. Two (2) counts of illegal commercial operation on state ocean waters without a commercial use permit from the Department in violation of HAR § 13-256-3. Maximum fine - \$5,000 per violation.

**Recommended Fine:** Twenty Thousand Dollars (\$20,000.00)

**Against:** **Ho‘okupu Fish Company, LLC**  
A Domestic Limited Liability Company  
**Dates of Incidents:** August 6, 2016 – March 22, 2017  
**Location of Incidents:** Pohoiki Boat Launching Ramp, Hawai‘i Island, and state ocean waters adjacent thereto.  
**Violations:**  

1. Six (6) counts of Engaging in business or commercial activity at a small boat harbor or other small boat facility without prior written approval or agreement in violation of HAR § 13-231-51: Business Activities. Maximum fine - \$5,000 per violation.
2. Six (6) counts of illegal commercial operation on state ocean waters without a commercial use permit from the Department

in violation of HAR § 13-256-3. Maximum fine - \$5,000 per violation.

Recommended Fine: Sixty Thousand Dollars (\$60,000.00)

DISCUSSION:

In the February 24, 2017 Board meeting, as Item J-2 of the agenda DOBOR brought a civil enforcement action before the Board of Land and Natural Resources (the “Board”) against Mr. Henry K. Pomroy for illegal commercial operations from the Pohoiki Boat Launching Ramp and lands adjacent thereto without a commercial permit. Prior to the matter being heard at the February 24, 2017 Board meeting, a request for a contested case hearing was made by Steven Strauss, Attorney and managing member of Ho‘okupu Fish Company, LLC, on behalf of Mr. Pomroy. A Petition for a Contested Case Hearing application was received on March 6, 2017, within ten days of the Board action date. In light of the request for a contested case, DOBOR reviewed its evidence, consulted with the Department of the Attorney General regarding application of administrative penalties, and determined that all alleged violations should be brought to the Board in a comprehensive enforcement action against all the involved parties.

Ho‘okupu Fish Company, LLC, Mr. Pomroy, and Mr. Fujimoto have been observed by Division of Conservation and Resources Enforcement (DOCARE) officers repeatedly engaging in illegal commercial activity from the Pohoiki Boat Launching Ramp and state ocean waters adjacent thereto. Prior to being cited, Mr. Pomroy was notified both verbally and in writing that his commercial activities required a commercial use permit for the area. A cease and desist letter was sent to Mr. Pomroy on September 14, 2016 by William Taylor, DOBOR Hawai‘i District Manager, and is attached hereto as **Exhibit “A”**. As exemplified by the factual background below, Mr. Pomroy and Mr. Fujimoto are co-owners of the M/V Ho‘okupu as well as managing members of Ho‘okupu LLC. Despite Mr. Pomroy being given notice that commercial operations from the Pohoiki Boat Ramp are subject to permitting regulations, Ho‘okupu LLC, Mr. Pomroy, and Mr. Fujimoto all chose to repeatedly conduct illegal commercial activity from the Pohoiki Boat Launching Ramp.

The permits issued under HAR § 13-231-51 are separate types of permits from those issued under HAR § 13-256-3. HAR § 13-231-51 concerns the use of state small boat harbors and small boat facilities for engaging in commercial activity. HAR § 13-256-3 concerns the use of state ocean waters for engaging in commercial activity.

FACTUAL BACKGROUND:

Mr. Pomroy and Mr. Fujimoto co-own the vessel M/V Ho‘okupu, which is the vessel that has been utilized by Mr. Pomroy and Mr. Fujimoto to run commercial lava boat tours that are the basis of the alleged violations. The M/V Ho‘okupu is registered as a recreational vessel and has no attendant commercial permits. (*see* certificate of number attached as **Exhibit “B”**). Mr.

Pomroy and Mr. Fujimoto have been documented and observed operating (Mr. Pomroy) and trailering (Mr. Fujimoto) the M/V Ho‘okupu at Pohoiki in violation of HAR § 13-231-51 and HAR § 13-256-3.

Ho‘okupu Fish Company, LLC (“Ho‘okupu LLC”) is a domestic limited liability company registered with the State of Hawaii. Ho‘okupu LLC is a member managed company that is managed by Mr. Strauss, Mr. Pomroy, and Mr. Fujimoto (*see Exhibit “C”*). Ho‘okupu LLC is named in this action because Mr. Pomroy and Mr. Fujimoto have been documented running tours on the M/V Ho‘okupu and claiming that the moneys collected from passengers are for membership in Ho‘okupu LLC (*see DOCARE Report 17-0328-HA, Page 4 attached hereto as Exhibit “E”*). Ho‘okupu LLC has no commercial vessel registered with the Department nor does it hold any commercial permits for use of State boating facilities or state ocean waters.

The following timeline is presented to summarize the incidents that took place starting on August 16, 2016, pertaining to the alleged violations of HAR §§ 13-231-51 and 13-256-3 by Ho‘okupu LLC, Mr. Pomroy, and Mr. Fujimoto in which Ho‘okupu LLC, Mr. Pomroy and Mr. Fujimoto were witnessed and/or cited for illegally conducting commercial operations from the Pohoiki Boat Launching Ramp and on state ocean waters without a valid permit from the Department.

August 16, 2016: Ho‘okupu LLC and Mr. Pomroy<sup>1</sup> are documented by DOCARE conducting commercial operations from the Pohoiki Boat Launching Ramp under the name “Ho‘okupu Fish Company, LLC,” using trailered recreational vessel M/V Ho‘okupu without a valid commercial use permit issued by the department. DOCARE Investigation Report #17-0111-HA is attached hereto as **Exhibit “D”**. This is the first alleged violation of HAR §§ 13-231-51 and 13-256-3 for Ho‘okupu LLC and Mr. Pomroy.

September 14, 2016: Based on reports from DOCARE officers and a determination that the trailered vessel M/V Ho‘okupu, operated by Mr. Pomroy, was conducting commercial operations, a Cease & Desist Commercial Operations letter, dated September 14, 2016, is issued by DOCARE, on behalf of DOBOR, to the owners of Ho‘okupu LLC. The Cease & Desist letter, attached hereto as **Exhibit “A”**, was sent via certified USPS mail with proof of delivery.

October 27, 2016: Ho‘okupu LLC and Mr. Pomroy are documented by DOCARE conducting commercial vessel operations from the Pohoiki Boat Launching Ramp under the name “Ho‘okupu Fish Company, LLC,” using trailered recreational vessel M/V Ho‘okupu, without a valid commercial use permit issued by the Department. Two passengers admitted to paying one hundred fifty dollars (\$150) each to view the lava flow from the M/V Ho‘okupu. On this date, Mr. Pomroy is issued a citation by DOCARE for violation of HAR § 13-244-15.5(a), failure to have a

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<sup>1</sup> DOCARE officers positively identified Mr. Pomroy as the violator by his social security number and Hawai‘i driver’s license. DOCARE investigation reports, which include witness statements and photographic evidence of Mr. Pomroy’s unlawful activity, are attached hereto as **Exhibits “D” through “H”**, and **Exhibit “J”**.

Boating Safety Course Certificate of Completion, and is issued a verbal warning for violation of HAR § 13-241-10, Expired Certificate of Numbers. DOCARE Investigation Reports # 17-0328-HA and #17-0329-HA are attached hereto as **Exhibits “E” and “F”**, respectively. This is the second alleged violation of HAR §§ 13-231-51 and 13-256-3 for Ho‘okupu LLC and Mr. Pomroy.

December 28, 2016: Ho‘okupu LLC and Mr. Pomroy are documented by DOCARE conducting commercial vessel operations from the Pohoiki Boat Launching Ramp using the trailered recreational vessel M/V Ho‘okupu, without a valid commercial use permit issued by the department. This is the third alleged violation of HAR §§ 13-231-51 and 13-256-3 for Ho‘okupu LLC and Mr. Pomroy.

January 8, 2017: Ho‘okupu LLC and Mr. Pomroy are documented by DOCARE conducting commercial operations from the Pohoiki Boat Launching Ramp under the name “Ho‘okupu Fish Co./Lava Tours.” Four passengers admitted to paying one hundred seventy-five dollars (\$175) each to view the lava flow from the recreational vessel M/V Ho‘okupu. DOCARE Investigation Report #17-0602-HA is attached as **Exhibit “G”**. This is the fourth alleged violation of HAR §§ 13-231-51 and 13-256-3 for Ho‘okupu LLC and Mr. Pomroy.

February 07, 2017: In a joint boarding with U.S. Coast Guard Law Enforcement Officers, Mr. Pomroy and Mr. Fujimoto<sup>2</sup> are documented by DOCARE conducting commercial operations from the Pohoiki Boat Launching Ramp under the name “Ho‘okupu Fish Co./Lava Tours.” Trailered recreational vessel M/V Ho‘okupu is observed operating without a valid commercial use permit issued by the Department amounting to another documented violation of HAR § 13-231-51. Eight passengers, including two undercover U.S. Coast Guard officers, were interviewed and admitted to paying, or agreeing to pay, approximately one hundred seventy-five dollars (\$175) each to view the lava flow from the M/V Ho‘okupu. Mr. Pomroy is documented as operating the M/V Ho‘okupu in DOCARE report #17-0735-HA is attached hereto as **Exhibit “H”**. Mr. Fujimoto is documented as operating the truck towing the trailered recreational vessel M/V Ho‘okupu and is responsible for the launching and recovery of the M/V Ho‘okupu as documented in DOCARE report #17-0736-HA, attached hereto as **Exhibit “I”**. This is the fifth alleged violation of HAR §§ 13-231-51 and 13-256-3 for Ho‘okupu LLC and Mr. Pomroy. This is the first alleged violation of HAR §§ 13-231-51 and 13-256-3 for Mr. Fujimoto.

February 25, 2017: The U.S. Coast Guard delivers to the managing members of Ho‘okupu LLC (Mr. Strauss, Mr. Pomroy, and Mr. Fujimoto) a Captain of the Port Order requiring an immediate cease and desist of carriage of passengers for hire on board the M/V Ho‘okupu until it can be

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<sup>2</sup> DOCARE officers positively identified Mr. Fujimoto 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 hereto as **Exhibits “I” and “J”**.

shown that the vessel is in compliance with all applicable federal laws and regulations and is being operated by a person licensed under federal law to carry passengers commercially. The Captain of the Port Order No. 17-10 is included in DOCARE report #17-0939-HA, attached hereto as **Exhibit “J”**.

March 20, 2017: Ho‘okupu LLC, Mr. Pomroy, and Mr. Fujimoto are documented by witness statements provided to DOCARE conducting commercial vessel operations from the Pohoiki Boat Launching Ramp using the M/V Ho‘okupu, without a valid commercial use permit issued by the Department, to conduct two morning lava boat tours (*see* DOCARE report #17-0939-HA, attached hereto as **Exhibit “J”**). This is the sixth alleged violation of HAR §§ 13-231-51 and 13-256-3 for Ho‘okupu LLC and Mr. Pomroy. This is the second alleged violation of HAR §§ 13-231-51 and 13-256-3 for Mr. Fujimoto.

APPLICATION OF LAW AND RECOMMENDED FINE:

*I. Applicable Hawaii Revised Statutes and Hawaii Administrative Rules:*

Ho‘okupu LLC, Mr. Pomroy, and Mr. Fujimoto are in violation of HAR § 13-231-51 regarding permissible business activities within State boating facilities and HAR § 13-256-3 regarding issuance of a commercial use permit for state ocean waters. Both types of commercial use permits would be required to conduct the type of commercial boat tours that Ho‘okupu LLC, Mr. Pomroy, and Mr. Fujimoto have been documented undertaking.

*A. Hawaii Administrative Rules § 13-231-51: Business Activities*

HAR § 13-231-51 prohibits unpermitted commercial activity at any State boating facility 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.

*a. Ho‘okupu LLC, Mr. Pomroy, and Mr. Fujimoto were engaged in “commercial activity” at the Pohoiki Boat Launching Ramp as defined under HAR § 13-230-8.*

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.” As documented by the attached DOCARE reports, on multiple occasions passengers on board the M/V Ho‘okupu admitted that they had compensated Ho‘okupu LLC via an online deposit through a tour booking company as

well as a direct cash payment while on board the M/V Ho‘okupu in return for the service of a boat tour to view the lava flow. This exchange of consideration for a service rendered falls under the HAR definition of “commercial activity.”

Ho‘okupu LLC, Mr. Pomroy, and Mr. Strauss have previously represented to DOBOR and DOCARE staff that the activities conducted on board the M/V Ho‘okupu are not commercial because there is a “Conveyance of Membership Interest in Ho‘okupu Fish Company, LLC” (hereinafter the “membership agreement”), which passengers sign to take the boat tour, and therefore the activity being conducted is a boat ride for “members” of Ho‘okupu LLC. The membership agreement is documented in DOCARE report #17-0328-HA, pages 11 to 12, attached hereto as **Exhibit “E”**. The validity of the membership agreement is questionable. In any event, however, it is indisputable that the excursion is booked through a *tour* company that advertises lava boat *tours* offered in exchange for consideration. The membership agreement is an invalid attempt to circumvent the commercial permitting requirements and does not exempt Ho‘okupu LLC, Mr. Pomroy, or Mr. Fujimoto from the requirement of obtaining a commercial permit to conduct their activities.

Regardless of the final determination regarding the validity of the membership agreement, the membership agreement itself contains provisions for a passenger fee, which quite clearly advertise that the M/V Ho‘okupu will carry passengers for hire. The advertisement therefore makes the M/V Ho‘okupu a commercial vessel necessitating issuance of a commercial permit from the Department. 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.” The definition of a “commercial vessel” in HAR § 13-231-54 explicitly references “vessels carrying passengers for hire” as follows: “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.” (emphasis added). The membership agreement signed by passengers on board the M/V Ho‘okupu states that guests of the “member,” such as a spouse and children, may pay a “passenger fee” to accompany the “member” on the boat ride. Even if the boat ride of a Ho‘okupu LLC “member” is found to be a non-commercial activity, the “passenger fee” required from guests of the “member” is compensation for a commercial service rendered by Ho‘okupu LLC, Mr. Pomroy, and Mr. Fujimoto.

- b. Ho‘okupu LLC, Mr. Pomroy, and Mr. Fujimoto did not obtain prior written approval from the Department or execute an agreement with the Department to conduct commercial activity at the Pohoiki Boat Launching Ramp.*

As stated in the Factual Background above, Ho‘okupu LLC, Mr. Pomroy, and Mr. Fujimoto do not have prior written approval from the Department nor have they properly executed an agreement with the Department to utilize the Pohoiki Boat Launching Ramp or state ocean waters to conduct commercial boat tours.

*B. HAR § 13-256-3(a) Commercial Permit required for tours, watersports or instruction on state ocean waters.*

Hawaii Administrative Rules § 13-256-3(a) requires a commercial use permit for state ocean waters as follows:

All operators of commercial vessels, water craft or water sports equipment shall apply for a commercial use permit or where applicable a catamaran registration certificate to be issued by the department, except for those operating out of a state commercial harbor or Kewalo Basin. The applicant for such permit shall comply with the applicable provisions stated in sections 13-231-50 to 13-231-70.

As previously discussed above, the M/V Ho‘okupu, while registered as a recreational vessel, is operating as a commercial vessel. Separate from permission to use the Pohoiki Boat Launching Ramp, Ho‘okupu LLC, Mr. Pomroy, and Mr. Fujimoto must also obtain a commercial use permit for commercial use of state ocean waters. Each instance of commercial activity by the M/V Ho‘okupu is therefore also a violation of HAR § 13-256-3.

*C. Other Relevant Rules.*

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.” (Parts 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 recreational vessel shall be required to obtain a commercial use permit and comply with all other rules of the department governing commercial vessel activities. (Subsections (b) and (c) omitted).

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

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



Ho‘okupu LLC, Mr. Pomroy, and Mr. Fujimoto are restricted from obtaining a commercial use launch ramp permit for Pohoiki because commercial use of the launch ramp is limited by administrative rules. The Pohoiki Boat Launching Ramp is a busy area with swimmers in the water nearby in addition to other commercial and recreational users. Adherence to the rules and requirements of the Department is essential to maintaining order and providing for public safety. It is the duty of the Department to minimize user conflict as well as protect and preserve natural resources, and for this reason commercial activity is regulated and restricted on a statewide basis to allow for a balance between commercial and recreational interests. Ho‘okupu LLC, Mr. Pomroy, and Mr. Fujimoto had full notice of the requirement to obtain a commercial use permit in order to utilize the Pohoiki Boat Launching Ramp and yet decided to conduct commercial activities in violation of these requirements on multiple occasions.

*D. Administrative Penalties Authorized by Rule.*

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:

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

*II. Discussion and Recommended Fines.*

*A. Ho'okupu LLC, Mr. Pomroy, and Mr. Fujimoto's actions fall under HAR definitions and are therefore subject to administrative action.*

Based on the definitions in DOBOR administrative rules, the persons and entity involved were clearly engaged in “commercial activity” when loading and unloading passengers at the Pohoiki Boat Launching Ramp. Additionally, witness statements taken by DOCARE officers further establish the unlawful operation of a vessel in a commercial capacity and acknowledge payment 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. Ho'okupu LLC, Mr. Pomroy, and Mr. Fujimoto did not comply with HAR requirements and restrictions.*

The persons and entity 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. DOCARE officers witnessed operation with passengers for hire without a valid commercial use permit at the Pohoiki Boat Launching Ramp on multiple occasions in violation of HAR § 13-231-51.

*C. Criminal action against Ho'okupu LLC, Mr. Pomroy, and Mr. Fujimoto for violation of HAR § 13-231-51 and HAR § 13-256-3 does not preclude civil administrative action.*

Mr. Pomroy was issued a citation for violation of HAR § 13-231-51. Those charges were dismissed by the county prosecutor without DOBOR's knowledge. 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 non-defunct criminal matter does not preclude or influence the Board's ability to levy civil administrative fines.

*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 reports and the Factual Backgrounds above, Ho'okupu LLC, Mr. Pomroy, and Mr. Fujimoto were observed and cited on multiple occasions for conducting unauthorized commercial activity in violation of HAR §§ 13-231-51 and 13-256-3. Because Ho'okupu LLC, Mr. Pomroy, and Mr. Fujimoto have not been previously convicted of a violation within the last five years, the fine amount for each violation will be set at a first

violation amount of five thousand dollars (\$5,000.00) for each offense, pursuant to HRS § 200-14.5(c). Therefore, fines for each individual or entity named in this action are as follows:

Ho'okupu Fish Company, LLC: Six (6) offenses of HAR § 13-231-51 and Six (6) offenses of HAR § 13-256-3. Five Thousand Dollars (\$5,000.00) penalty per offense for a total fine of Sixty Thousand Dollars (\$60,000.00)

Mr. Henry K. Pomroy: Six (6) offenses of HAR § 13-231-51 and Six (6) offenses of HAR § 13-256-3. Five Thousand Dollars (\$5,000.00) penalty per offense for a total fine of Sixty Thousand Dollars (\$60,000.00)

Mr. William Akira Gushiken Fujimoto: Two (2) offenses of HAR § 13-231-51 and Two (2) offenses of HAR § 13-256-3. Five Thousand Dollars (\$5,000.00) penalty per offense for a total fine of Twenty Thousand Dollars (\$20,000.00)

DOBOR staff recommends that the maximum fine for Ho'okupu LLC, Mr. Pomroy, and Mr. Fujimoto's offenses, 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 alleged violations listed in this action. Ho'okupu LLC, Mr. Pomroy, and Mr. Fujimoto had full notice of the applicable regulations and chose to violate them on multiple occasions even after they were 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. To send a strong message to other potential violators and curb present and future violations of the rules, DOBOR recommends that the Board issue the maximum penalty to Ho'okupu LLC, Mr. Pomroy, and Mr. Fujimoto.

#### RECOMMENDATIONS:

DOBOR respectfully requests that the Board:

1. Find that Ho'okupu Fish Company, LLC, Mr. Henry K. Pomroy, and Mr. William Akira Gushiken Fujimoto committed administrative violations of HAR § 13-231-51 and HAR § 13-256-3 as listed above.


2. Impose a Sixty Thousand dollar (\$60,000.00) fine to Ho'okupu LLC, a Sixty Thousand dollar (\$60,000.00) fine to Mr. Pomroy, and a Twenty Thousand dollar (\$20,000.00) fine to Mr. Fujimoto, in accordance with HRS § 200-14.5(c) for violation of HAR § 13-231-51 and HAR § 13-256-3.
3. Impose an additional fine for administrative fees and costs, including attorneys' fees and costs.
4. Give notice to Ho'okupu LLC, Mr. Pomroy, and Mr. Fujimoto that any future violations of HAR § 13-231-51 and HAR § 13-256-3 involving State registered vessel M/V Ho'okupu, HA-9689-H, will result in the inability to register the M/V Ho'okupu for any use within the State.
5. Approve contested case hearings, if requested, resulting from this action or action J-2 of the February 24, 2017 Board meeting pertaining to Ho'okupu LLC, Mr. Pomroy, and Mr. Fujimoto with regard to the alleged violations, and authorize the Chairperson to select and appoint a Hearing Officer for such contested case hearings.
6. Approve consolidation of all contested case hearings, if any, resulting from this action or action J-2 of the February 24, 2017 Board meeting.

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

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF BOATING AND OCEAN RECREATION  
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GUZANNE D. CASE  
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KEKOA KALUHIWA  
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 "A"**

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   Agent  
 Addressee

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

C. Date of Delivery  
2016 SEP 19 AM 1:20

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

2. Article Number (Transfer from service label) 7014 0150 0000 4324 3989

PS Form 3811, July 2013 Domestic Return Receipt

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)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.465</b>

Postmark Here

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 2006 See Reverse for Instructions

MAIL - RETURN RECEIPT REQUESTED

7014 0150 0000 4324 3989

**IMPORTANT!**  
ALWAYS CARRY THIS CERTIFICATE ON VESSEL WHILE IN USE

STATE OF HAWAII  
CERTIFICATE OF NUMBER FOR UNDOCUMENTED VESSEL

HA- 9689 H		HULL IDENTIFICATION NUMBER TEN25003C010						
EXPIRATION DATE	TYPE VESSEL	YR BLT / YR MOD	LENGTH	HULL MTR	FUEL	PROP	USE	CO-OWNERS
7/2017	1	2012	25' 0"	3	1	1	1	1

HENRY K POMROY  
BILL FUJIMOTO  
1694 KOELE ST  
HILO, HI 96720

ALWAYS CARRY THIS CERTIFICATE ON VESSEL WHILE IN USE  
SEE REVERSE SIDE FOR IMPORTANT INSTRUCTIONS

**SAFE  
BOATING  
IS  
NO  
ACCIDENT!**



A VESSEL'S REGISTRATION CANNOT BE RENEWED/TRANSFERRED IF THERE ARE UNPAID FEES.

**Exhibit "B"**





# DCCA State of Hawaii

Downloaded on March 17, 2017.

The information provided below is not a certification of good standing and does not constitute any other certification by the State.

Website URL: <http://hbe.ehawaii.gov/documents>

## Business Information

MASTER NAME	HO'OKUPU FISH COMPANY, LLC
BUSINESS TYPE	Domestic Limited Liability Company (LLC)
FILE NUMBER	159512 C5
STATUS	Active
PLACE INCORPORATED	Hawaii UNITED STATES
REGISTRATION DATE	Aug 10, 2016
MAILING ADDRESS	1694 KOELE ST HILO, Hawaii 96720 UNITED STATES
PARTNER TERMS	AT-WILL
MANAGED BY	MEMBER(S)
AGENT NAME	STEVEN D STRAUSS
AGENT ADDRESS	165 KEAWE ST STE 208 HILO, Hawaii 96720 UNITED STATES

## Officers

NAME	OFFICE	DATE
POMROY,HENRY K	MEM	Aug 10, 2016
FUJIMOTO,WILLIAM	MEM	Aug 10, 2016
STRAUSS,STEVEN	MEM	Aug 10, 2016



17-111

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 08/20/2016 01 40PM	Location Pohokū	Classification OWNWB: COMMERCIALACTIVITY		Connecting Reports

Incident & Report Control Form DO-049-5 Rev. 8/03

A. COMPLAINT

Taken By: Craig Dente      Reported Date/Time: 08/20/2016 01 40PM  
How Taken: On Boat

Complainant: Craig Dente  
Home      Work      Cell

Phone:  
Address:

Incident Summary      Description Commercial Activity  
Suspect: Henry "Skosh" POMROY

Vehicle/Vessel: HA 9598 H  
Location: Pohokū  
Location Notes: Isaac Hale Beach Park Boat Washing Station

Occurred From: 08/18/2016 09 45AM  
Occurred To:

B. REPORT CONTROL

Branch: Hawaii  
District: Puna  
Lead Investigator: Craig Dente  
Date Assigned: 08/20/2016 01 52PM

KONA	ST. PARKS
HILO	DOBOR <u>FAK 8.20.16</u>
KAMUELA	PROSECUTOR
HONOLULU	FEDERAL
AQUATICS	HP
DOFAW	OCOL
LAND DIV	

C. NOTES/DISPOSITION/OTHER INFO

CLOSED - RECORD ONLY // FORWARD TO DOBOR

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 08/16/2016 09:45AM	Location Pohoihi	Classification OWNWB: COMMERCIAL ACTIVITY	Connecting Reports	

Investigation Report

BASIC	1. CLASSIFICATION OWNWB: COMMERCIAL ACTIVITY						2. SOURCE On Beat			
	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 08/16/2016 09:45AM		16. DATE/TIME REPORTED 08/16/2016 09:45AM	
VEHICLES	17. TYPE Boat	18. YEAR 2012	19. MAKE Fiberglass Calamar	20. MODEL Yardbuilt	21. COLOR White	22. LICENSE / HA No. HA9889H	23. LENGTH 25	24. STOLEN No		
	25. REGISTERED OWNER Henry Pomroy		26. ADDRESS			27. HOME	28. WORK 808-935-8092	29. CELL		
	30. NOTES									
	31. TYPE	32. YEAR	33. MAKE	34. MODEL	35. COLOR	36. LICENSE / HA No.	37. LENGTH	38. STOLEN		
39. REGISTERED OWNER		40. ADDRESS			41. HOME	42. WORK	43. CELL			
44. NOTES										
PEOPLE	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 808-935-8092	55. CELL		
	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			
SYNOPSIS	78. SYNOPSIS While on duty as DOCARE 627 on 08-16-2016, 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 Pohoihi Boat Ramp, but did not have a Commercial Use Permit for Pohoihi.  INVESTIGATION CONTINUING									
	79. REPORT WRITTEN BY Dente, Craig									
WRITER	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	84. BADGE No. 19		85. DISPOSITION		

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 Pohoiki	CLASSIFICATION OWNWB: 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 Pohoiki, 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 Pohoiki, 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, DOB [REDACTED] 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 Pohoiki, 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



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 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 8/16/2016 9:45 00 AM	LOCATION Pohokai	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)(6). 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 9689 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)(6), then notify the company and DOCARE of the determination.

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

Dente, Craig  
Officer



236  
Badge No.

08-21-2016 / 1300 hrs  
Date / Time

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 Pohokai	CLASSIFICATION OWN/NOV 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

1 Depicts starboard side of HA 9689 H on trailer



2 Depicts port side of HA 9689 H on trailer



3 Depicts HA 9689 H trailer, possibly buckling



4 Depicts stern of HA 9689 H on trailer



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

<b>INVESTIGATION #</b> 17-111-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> 08/18/2016 09:45AM	<b>Location</b> Pohokai	<b>Classification</b> OWNWB: COMMERCIAL ACTIVITY		<b>Connecting Reports</b>

**WARNINGS**

**Issuing Officer** Dente, Craig **Issue Date/Time** 08/21/2016 12:40PM  
**Defendant** Pamroy, Henry (Suspect)  
**Notes** Observed trailer for HA9889H 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.

<b>Violation</b>	<b>Activity Code</b>
HRS 248-7 NO LICENSE PLATE, OBSTRUCTED PLATES, ON CLEAN PLATES	1700 Small Boat Harbors
HRS 249-2 DELINQUENT WEIGHT TAX	1700 Small Boat Harbors
HRS 286-25 NO/EXPIRED CERTIFICATE OF INSPECTION	1700 Small Boat Harbors

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



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

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

**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  
96720

\* COUNTRY  
UNITED STATES

PROVINCE

**STREET ADDRESS**

SAME AS MAILING ADDRESS

\* = REQUIRED

LAST UPDATED: 09-22-2015 04:21:10 PM Loviann C Domingo



KEONI ERICSON  
 NATHAN KUROHARA } LICENSED 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.

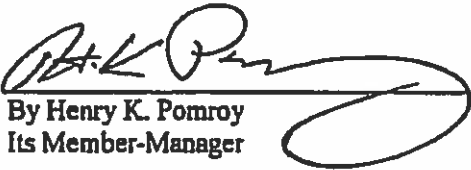
4. Copies of the Company's Articles of Organization and Operating Agreement are accessible as of September 1, 2016 on the Company's website, *hookupfishcompany.com*. To promote sustainability, Member waives delivery of paper copies of the Company's documents.

**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.



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 SBH COMMERCIALACTIVITY		Connecting Reports 17-1114-HA, 17-0328-HA

Incident & Report Control Form

DOCARE-3 (Rev. 8/03)

**A. COMPLAINT**

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

Complainant: Craig Dente  
 Home      Work      Cell

Phone:

Address:

Incident Summary      Description: COMMERCIALACTIVITY

Suspect: Henry POMROY

Vehicle/Vessel: Hookupu HA9589H

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 Denle 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 Pohoki	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 Beat			
	3 COMPLAINANT'S NAME Craig Denle			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 Pohoki 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 Calamar	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 808-935-8092	29 CELL	
	30 NOTES								
	31 TYPE Truck	32 YEAR 2005	33 MAKE Dodge	34 MODEL PKUP	35 COLOR Grey	36 LICENSE / HA No.	37 LENGTH -	38 STOLEN No	
39 REGISTERED OWNER Henry Pomroy		40 ADDRESS			41 HOME	42 WORK 808-935-8092	43 CELL		
44 NOTES									

<b>PEOPLE</b>	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 808-935-8092	55 CELL	
	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
	<p>Observed suspect Henry POMROY returning from an ocean voyage on HA9689H at Pohoki Boat Ramp. POMROY was observed to be conducting commercial operations, and not in possession of a Commercial Use Permit for Pohoki Boat Ramp. Two passengers admitted to paying him \$150 each to view the lava flow on HA9689H. When confronted with this information, POMROY admitted to selling "shares" for Hookupu Fish Company LLC, in violation of a DOBOR Cease &amp; Desist Order issued on 09-14-2016 (refer to connecting case 17-111).</p> <p>INVESTIGATION CONTINUING</p>

<b>WRITER</b>	79 REPORT WRITTEN BY Denle, Craig	80 BADGE No. 236	81 DATE/TIME WRITTEN 11/04/2016 01:31PM	82 SUPERVISOR APPROVING Vesler, James	83 DATE/TIME APPROVED 11/4/16 17:15	84 BADGE No. 19
	85 DISPOSITION					

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 Pohoiki	CLASSIFICATION SBH: COMMERCIAL ACTIVITY	CONNECTING REPORT(S) 17-111-HA, 17-0329-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 637 at approximately 0750 hrs on 10-27-2016, I observed Henry POMROY operating HA9689H, returning from sea, entering Pohoiki 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 Pohoiki Boat Ramp and had previously been issued a Cease and Desist notice from DOBOR for commercial operations at Pohoiki (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 0600 hrs on 10-27-2016, I checked in for duty, and shortly thereafter, I proceeded to Pohoiki Boat Ramp with Officer TAMURA.

### SCENE

At approximately 0700 hrs on 10-27-2016, Officer TAMURA and I arrived at the Pohoiki Boat Ramp. I observed POMROY's pickup truck [redacted] attached to boat trailer [redacted] 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 Pohoiki Boat Basin were approximately 2-4 foot easterly wind waves, with a 3-5 foot long-period easterly ground swell.

### OBSERVED HA9689H ENTERING POHOIKI BASIN


At approximately 0750 hrs, I observed HA9689H approaching Pohoiki 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



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 Pohoiki	CLASSIFICATION SBH COMMERCIAL ACTIVITY	CONNECTING REPORT(S) 17-111-HA, 17-0329-HA

## Report (Continued)

### INTERVIEWED SUSPECT HENRY POMROY

I informed POMROY that I suspected that he was conducting Commercial Operations at Pohoiki 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 17-0329-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 Pohoiki 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 Pohoiki 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 Pohoiki 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



INVESTIGATION #  
17-0328-HA

DISTRICT  
Puna

LEAD INVESTIGATOR  
Craig Dente

KEY REPORT  
 Yes  No

DATE / TIME REPORTED  
10/27/2016 7 50 00 AM

LOCATION  
Poholki

CLASSIFICATION  
SBH 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 Poholki 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 [REDACTED]. They are further identified as,

[REDACTED]

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

Tamura, Ivan  
Officer



251  
Badge No.

11-4-16/1700  
Date / Time

## Report (Continued)

### TOURIST CONTACTS CONT.

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

[REDACTED]  
[REDACTED]  
[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. [REDACTED] informed me his cousin [REDACTED] who he communicates via facebook provided information of Henry POMROY. [REDACTED] 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 on Koele Street in Hilo and assisted with launching and loading the vessel upon exit in Pohohi.

### PHOTOGRAPHS

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

### DISPOSTION

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 *11-4-16/1730*

INV. CONTINUING

Tamura, Ivan  
Officer



251  
Badge No

11-4-16/1700  
Date / Time

INVESTIGATION #  
17-0328-HA

DISTRICT  
Puna

LEAD INVESTIGATOR  
Craig Dente

KEY REPORT  
 Yes  No

DATE / TIME REPORTED  
10/27/2016 7 50 00 AM

LOCATION  
Pohoiki

CLASSIFICATION  
SBH COMMERCIAL ACTIVITY

CONNECTING REPORT(S)

Report Description: Photo Record  
Date/Time Taken: 10-27-16/0802-0805  
Taken By: Tamara, Ivan  
Scene: Pohoiki

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

1 Ho'okupu vessel coming in to exit Pohoiki 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.



INVESTIGATION #  
17-0328-HA

DISTRICT  
Puna

LEAD INVESTIGATOR  
Craig Dente

KEY REPORT  
 Yes  No

DATE / TIME REPORTED  
10/27/2016 7 50 00 AM

LOCATION  
Pohokiki

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.



INVESTIGATION #  
17-0328-HA

DISTRICT  
Puna

LEAD INVESTIGATOR  
Craig Dente

KEY REPORT  
 Yes

DATE / TIME REPORTED  
10/27/2016 7 50 00 AM

LOCATION  
Pohaihi

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 # 17-0328-4A

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                      10-27-2016                      0802 HRS  
Location    Date    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 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, JJ Fujimoto  
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**

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

**Member**

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

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 H15DENTC from: DLNR02

Received Time: 13:20:34 11-04-16 Source ORI: HI0020702  
Summary: M55L: [REDACTED] TYP=5  
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: M55L: [REDACTED] TYP=5  
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: HILO HI 96720  
LO-NM: SF-EXP: 08 17 TCI-NO:  
LO-ADDRESS: LO-CITY:  
1ST-SOLD: 00 00 00 DT-ISS: 08 29 16 TX-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 PLT-EMB: 30.50 OT-PND:  
PRI-PT: XRF-PT: VO: MO: DUP-DT: LS-UDT: 08 30 16  
ELT 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: H15DENTC from: DLNR02

Received Time: 13:39:50 11-03-16 Source ORI: HIOLN0000  
Summary: ADLB: OLN-[REDACTED]  
View Message Details

ADLB DRIVER LICENSE GENERAL ROOT INQUIRY ZADLB1M

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] 3 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]  
HILO, HI 96720

HOME ADDRESS  
HEIGHT WEIGHT HAIR EYES SEX  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] M

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

Nov 4, 2016 12:05 PM

Printed By: H15DENTC from DLNR02

Received Time: 13:19:32 11-04-16 Source ORI: HI0020702  
Summary: M55L: LIC- [REDACTED] TYP-1  
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- [REDACTED] TYP-1  
View Message Details

M55L/1 [REDACTED]  
PLATE: [REDACTED] STATUS: A SPEC-PLT: EMBLEM: [REDACTED] EXPIR-DATE: 03 17  
VIN: [REDACTED] MAKE: DODG TYPE: PKUP YR-MODEL: 05 COLOR: G  
RO-NAME: POMROY HENRY PHON-CODE: P560H COUNTY: H  
RO-ADDRESS: [REDACTED] RO-CITY: HILO HI 96720  
LO-NM: SAME SF-EXP: 12 16 TCI-NO: [REDACTED]-16  
LO-ADDRESS: LO-CITY:  
1ST-SOLD: 03 29 05 DT-ISS: 08 29 16 TX-RT: F HVUC: TVB: BAD-CK: SP-VEH: 1  
NET-WT: 06950 GVW: 000000 EXMPT: FUEL: D ODOM: 176616 ODOM-EXC: N ODOM-DSC: N  
MO-TX: 00 TAX-COLL: 0.00 PENALTY-AMT: 0.00 PLT-EMB: .00 OT-PND:  
PRI-PT: 578HDR XRF-PT: VO: N MO: N DUP-DT: LS-UDT: 08 29 16  
ELT KEY:  
F1:MPL F2:MOT 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. ICE  
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) 327-3693

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

KENOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON  
DEPUTY DIRECTOR - WATER

EDWARD LIGERWOOD  
ADMINISTRATOR  
DIVISION OF BOATING & OCEAN RECREATION

BOR-H 035.17

Henry K. Pomroy  
Ho'okupu Fish Company

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 # 17-0329-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 10/27/2018 07:50AM	Location Pohokū	Classification OWNWB NO BOATING SAFETY COURSE		Connecting Reports 17-0328-HA

Incident & Report Control Form DOCARE-5 (Rev 6/03)

**A. COMPLAINT**

Taken By: Craig Dente Reported Date/Time: 10/27/2018 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 (HA9688H)

Location: Pohokū

Occurred From: 10/27/2018 07:50AM

Location Notes:

Occurred To:

**B. REPORT CONTROL**

Branch: Hualaie  
District: Puna  
Lead Investigator: Craig Dente  
Date Assigned: 10/27/2018 02:17PM

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

CLOSED - CITATION ISSUED (002425)

KONA	_____	ST. PARKS	_____
HILO	_____	DOBOR	_____
KAMUELA	_____	PROSECUTOR	11-04-16
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 Denle, 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 Pohokai	Classification OWNWB: NO OPERATOR SAFETY COURSE	Connecting Reports 17-0328-HA	

Investigation Report

BASIC	1 CLASSIFICATION OWNWB: NO OPERATOR SAFETY COURSE						2 SOURCE On Beat			
	3 COMPLAINANT'S NAME Craig Denle				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 Pohokai Basin						15 DATE/TIME OCCURRED 10/27/2016 07:50AM		16 DATE/TIME REPORTED 10/27/2016 07:50AM	

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 808-935-8092	29 CELL
	30 NOTES								
	31 TYPE	32 YEAR	33 MAKE	34 MODEL	35 COLOR	36 LICENSE / HA No.	37 LENGTH	38 STOLEN	
39 REGISTERED OWNER			40 ADDRESS			41 HOME	42 WORK	43 CELL	
44 NOTES									

PEOPLE	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 808-935-8092	55 CELL
	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	

SYNOPSIS	78 SYNOPSIS
	Observed suspect operating vessel HA9689H in Pohokai Basin. Conducted safety inspection. Suspect not in possession of a boating safety course certificate of completion. Citation 06425 LNR issued. Additional warning given for expired certificate of number.  INVESTIGATION CONTINUING

WRITER	79 REPORT WRITTEN BY Denle, Craig	80 BADGE No. 236	81 DATE/TIME WRITTEN 11/03/2016 11:43AM	82 SUPERVISOR APPROVING Weller, James	83 DATE/TIME APPROVED 11/3/16 11:51	84 BADGE No. 19
	85 DISPOSITION					



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 Pohoiki	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 Pohoiki Boat Basin and recover onto a smallboat trailer at the Pohoiki 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: Pohoiki 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, DOB [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



236  
 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 #  
17-0328-HA

DISTRICT  
Puna

LEAD INVESTIGATOR  
Craig Dente

KEY REPORT  
 Yes  No

DATE / TIME REPORTED  
10/27/2016 7 50:00 AM

LOCATION  
Pohokl

CLASSIFICATION  
OWNWB 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 062425 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 16, 2016 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 (062425 LNR)

(End of Report)

Dente, Craig  
Officer



236  
Badge No

11-03-2016 / 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> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Date/Time Reported</b> 10/27/2016 07 50AM	<b>Location</b> Poholki	<b>Classification</b> OWNWB NO OPERATOR SAFETY COURSE		<b>Connecting Reports</b> 17-0328-HA

**WARNINGS**

**Issuing Officer** Dente Craig **Issue Date/Time** 10/27/2016 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(e) EXPIRED CERTIFICATE OF NUMBER **Activity Code** 1720 Ocean Waters Navigable Waters, Beaches

**Vehicle**  
HA9689H (Fiberglass Calamaran /  
Yardbuilt)

**REPORT OF BOARDING**

DATE: 10-27-2016 BOARDING TIME: 0805

VESSEL DATA	VESSEL NUMBER HA 9089 H		VESSEL NAME HOOKUPU		HIN TEN25003C010		
	MAKE INTRUDER		POB	TYPE OF BOAT	PROPULSION	HULL MATERIAL	
	MODEL YARDBUILT		ADULT SIZE 7	<input type="checkbox"/> Open M/B <input checked="" type="checkbox"/> Cabin M/B <input type="checkbox"/> Sail <input type="checkbox"/> Rowboat <input type="checkbox"/> Canoe/Keyak <input type="checkbox"/> Houseboat <input type="checkbox"/> Inflatable <input type="checkbox"/> Thriftcraft <input type="checkbox"/> Other (Specify):	<input checked="" type="checkbox"/> Outboard <input type="checkbox"/> Inbrd gas <input type="checkbox"/> Inbrd Diesel <input type="checkbox"/> Inbrd/Outbrd <input type="checkbox"/> Jet Propelled <input type="checkbox"/> Sail only <input type="checkbox"/> Manual <input type="checkbox"/> Other (Specify): <input type="checkbox"/> Unknown	<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): <input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> Open <input checked="" type="checkbox"/> Closed (F/E & Vent req) FUEL COMPARTMENT <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed (F/E & Vent req) CONSTRUCTION <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed (F/E & Vent req)
	MODEL YR 2012	NET TONS —	LENGTH FT 25 0	CHILD SIZE 0			
	HP 300	USE 1 Commerce 2 Pleasure 3 Passenger					

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	
	CITY HILO	STATE HI	ZIP 96720	<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]	
	CITY ABOVE	STATE	ZIP			

OBSERVED IN USE	BODY OF WATER PACIFIC OCEAN		DETAILED LOCATION POHOIKI BOAT RAMP	
	CITY PALUA			
	COUNTY HAWAII			

VIOLATION (✓ INDICATES DEFICIENCY)	CITATION	UNSAFE CONDITION	CITATION
✓ CERTIFICATE NOT ONBOARD		UNSAFE CONDITIONS CREATING ESPECIALLY HAZARDOUS CONDITIONS. TERMINATED USE	
DECAL		OVERLOADED	
PERSONAL FLOTATION DEVICE		OVERPOWERED	
SOUND PRODUCING DEVICE		OTHER (SPECIFY):	
FIRE EXTINGUISHER		OTHER (SPECIFY):	
BACKFIRE FLAME CONTROL		OTHER (SPECIFY):	
VENTILATION		OTHER (SPECIFY):	
NAV/ANCHOR LTS.		OTHER (SPECIFY):	
VISUAL DISTRESS SIGNALS			
NEGLIGENT OPERATION			
OTHER (SPECIFY):		ACTION TAKEN	
		CORRECTED ON THE SPOT	
		X WARNING ISSUED	
		X CITATION ISSUED	
		NO VIOLATION	

REMARKS (Continue on reverse, add extra sheets if necessary):  
 CITED FOR NO OPERATOR  
 WARNED FOR EXPIRED CERTIFICATE

BOARDING OFFICER'S NAME: C. DENTE RANK: CRE 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: OLN- [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: OLN- [REDACTED]  
 View Message Details

ADLB DRIVER LICENSE GENERAL ROOT INQUIRY ZADLB1M  
 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] 3 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]

HILO, HI 96720

HOME ADDRESS  
 HEIGHT WEIGHT HAIR EYES SEX  
 [REDACTED] [REDACTED] [REDACTED] [REDACTED] M

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) HA-9689-H	HULL ID TEN25003C010	DECAL # R11318	RAMP # R39416	STATUS INACTIVE	EXP DATE (MM/YY) 07/17
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PRINCIPAL OWNER   CO-OWNER   LIEN HOLDER / MORTGAGEE   VESSEL   VESSEL MISC   HULL   NOTES

**PRINCIPAL OWNER**

BUSINESS

\* LAST NAME  
POMROY

\* FIRST NAME  
HENRY

MIDDLE NAME  
K

DATE OF BIRTH (MM-00-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  
96720

\* 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) HA-9689-H	HULL ID TEN25003C010	DECAL # R11318	RAMP # R39416	STATUS <b>INACTIVE</b>	EXP DATE (MM/YY) 07/17
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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.	[REDACTED]	HILO	HI	96720	US

**VIEW CO-OWNER**

BUSINESS

LAST NAME  
FUJIMOTO

FIRST NAME  
BILL

MIDDLE INITIAL  
A G

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

CONTACT PHONE XXX-XXX-XXXX  
[REDACTED]

EMAIL  
NONE@NONE OCM

**\* STREET ADDRESS**

STREET1  
[REDACTED]

CITY  
HILO

STATE  
HAWAII

ZIP CODE  
96720

COUNTRY  
UNITED STATES

PROVINCE

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

* REG # (HA XXXX-XX) HA-9689-H	HULL ID TEN2500JC010	DECAL # R11318	RAMP # R39416	STATUS <b>INACTIVE</b>	EXP DATE (MM/YY) 07/17
-----------------------------------	-------------------------	-------------------	------------------	---------------------------	---------------------------

PRINCIPAL OWNER   CO-OWNER   LIEN HOLDER   MORTGAGEE   VESSEL   VESSEL MISC   HIN#   NOTES

**\* VESSEL**

NAME HOOKAPUU	YEAR BUILT 2012	YEAR MODEL 2012	* FEET 25	* INCHES 00
HOMEBUILT?				

**\* ENGINE**

MANUFACTURER HONDA	SERIAL NUMBER 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) HA-9689-H	HULL ID TEN25003C010	DECAL # R11318	RAMP # R39416	STATUS <b>INACTIVE</b>	EXP DATE (MM/YY) 07/17
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PRINCIPAL OWNER	CO OWNER	LEASER/HOLDER	MORTGAGEE	VESSEL	VESSEL MISC	TYPE	NOTES
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**RADIO COMMUNICATIONS**

4-BOTH

**PLACE VESSEL KEPT**

1-MOORED, 2-STORED ON LAND  
STORED ON LAND

ISLAND  
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)    HULL ID    DECAL #    RAMP #    STATUS    EXP DATE (MMYY)  
HA-9689-H    TEN25003C010    R11318    R39416    INACTIVE    07/17

PRINCIPAL OWNER    CO-OWNER    LENDHOLDER    MORTGAGEE    VESSEL    VESSEL MISC    HULL    NOTES

**HULL**

\* NUMBER OF HULLS    \* HULL MANUFACTURER    \* HULL COUNTRY  
2    TERN BOATS    UNITED STATES  
\* HULL COLOR    \* CABIN COLOR    \* TRIM COLOR  
WHITE    WHITE    WHITE

**\* HULL MATERIAL**

3-FIBERGLASS/PLASTIC

# DOCARE COMPLAINT & SUMMONS

In the DISTRICT/FAMILY COURT

of the THIRD JUDICIAL CIRCUIT, STATE OF HAWAII

Div. No. [Redacted] STATE JUVENILE

NAME POMROY

First Name HENRY Last K

Current/Mailing Address [Redacted]

City, State, Zip [Redacted]

Place of Employment School or Branch of Service [Redacted]

Job Title Yr. in school or Military Rank [Redacted]

Parent/Guardian/Registration Registered owner of vehicle/vessel: HENRY POMROY/BILL FUJIMOTO

Phone number (Days): [Redacted]

Did or/for about this 27th day of OCTOBER Yr. 2016 at about 01 50 PM

did operate/command Vehicle/Vessel's HA 9689 H

Vehicle/Vessel Make/Name POWC Type CAT 25' Color W.HIT Yr. 2012

at (location): POHOIKI BASIN

and did commit the offense of

NO BOATING SAFETY COURSE

SECTION: 13-244-15.5(a)

EVIDENCE TAKEN: Yes  No

DESCRIPTION OF EVIDENCE

Receipt of this citation is acknowledged (Your signature is not an admission of guilt)

X [Signature]

The undersigned alleges that the person named above committed the offense herein set forth, contrary to law

Date of Issue 10-27-2016 Time 08 50 Hrs.

Print Name, First, Middle & Last Name COBENTE, CREO III Badge# 236

Complainant's Signature

Bail Forfeiture by Mail Permitted:  Yes  No

**A** Postmarked BEFORE court date Payment Amount COURT

**B** Postmarked ON court date Payment Amount COURT

**SUMMONS**

Your court appearance date is:

DATE: DECEMBER 16, 2016 8:30 AM COURTROOM 2B

District Court  Family Court of PUNA HILLS IN S. HILLO

**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)

§13-244-15.5 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 merchant mariner credential to operate a vessel issued by the United States Coast Guard pursuant to 46 CFR Part 10, 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](#)





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

**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: Pohoki 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

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

INVESTIGATION # 17-0602-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 COMMERCIALACTIVITY	Connecting Reports	

**Investigation Report**

<b>BASIC</b>	1 CLASSIFICATION SBH COMMERCIALACTIVITY						7 SOURCE On Beat		
	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 Pohoiki Boat Ramp					15 DATE/TIME OCCURRED 01/08/2017 08.00AM		16. DATE/TIME REPORTED 01/08/2017 08 00AM	

<b>VEHICLES</b>	17 TYPE Boat	18 YEAR 2012	19 MAKE Fiberglass Catamar	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
	33 NOTES							
	31 TYPE Boat Trailer	32 YEAR	33 MAKE Boat	34 MODEL Trailer	35 COLOR	36 LICENSE / HA No.	37 LENGTH -	38 STOLEN No
39 REGISTERED OWNER Henry Pomroy		40 ADDRESS			41 HOME	42 WORK	43 CELL	44 NOTES

<b>PEOPLE</b>	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
	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	

<b>SYNOPSIS</b>	78. SYNOPSIS While patrolling Pohoiki 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							

<b>WRITER</b>	79 REPORT WRITTEN BY Dente, Craig	80 BADGE No. 236	81 DATE/TIME WRITTEN 01/20/2017 05 45PM	82 SUPERVISOR / DRAWN BY Weller, James	83 DATE/TIME APPROVED 1/24/17	84 BADGE No. 19
	85 DISPOSITION					

INVESTIGATION #  
17-0802-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

Mrs. Nichole Lear

Mr. & Mrs. Gary & Donna Bakke  
Montana Residents

### 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 [GregNotttingham@tailmetours.com](mailto:GregNotttingham@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

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 (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

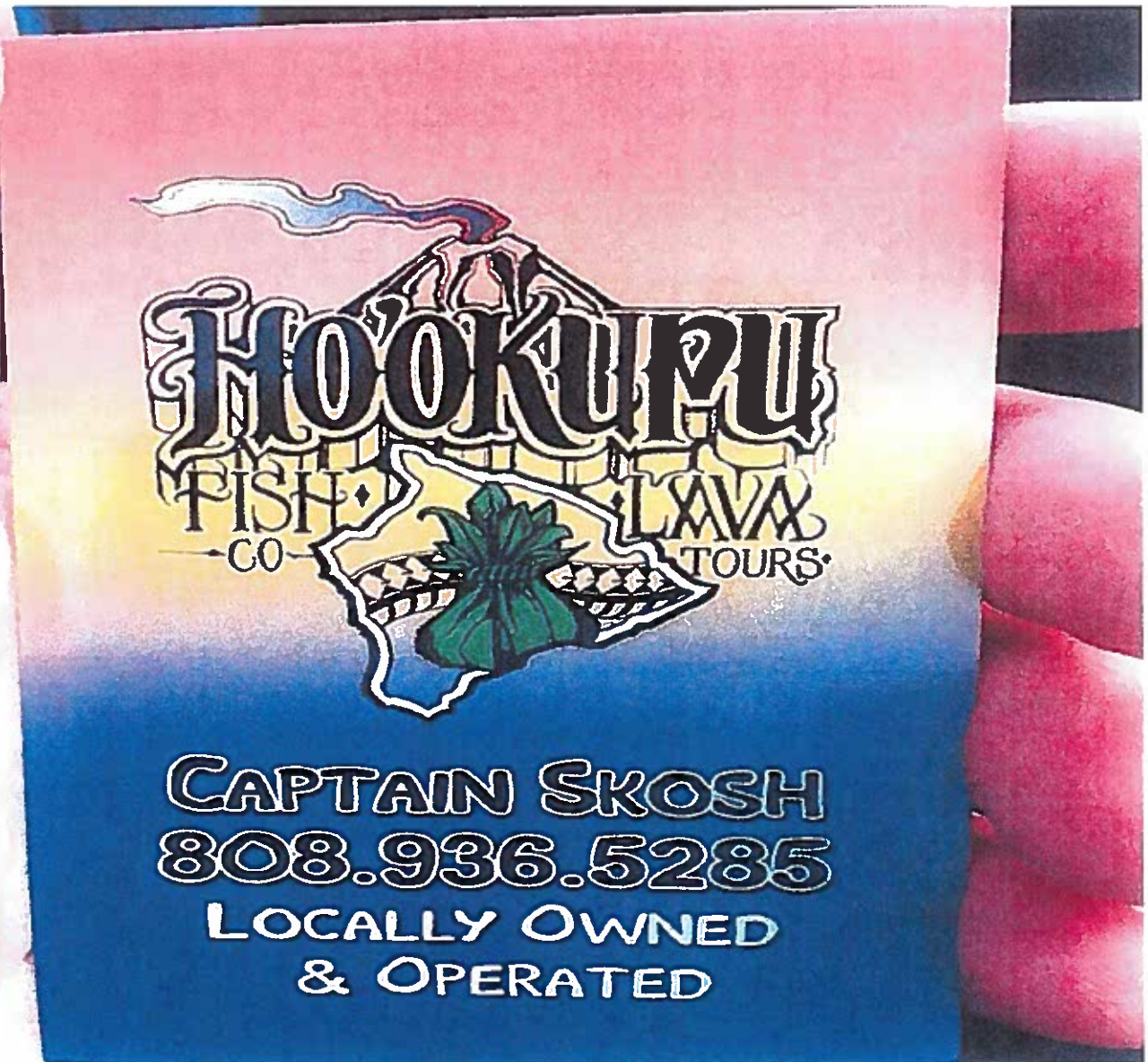
Taken By: Dente, Craig

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"



# Aloha & Welcome to...

## BIG ISLAND LAVA BOAT

*Lowest Prices & Best Service Anywhere.*

(808) 333 - 4016



You simply won't believe your eyes! If somehow you could pay for a trip to Mars...you would get there and feel like you wasted a lot of time and money – compared to what you will see, right here on the Big Island of Hawaii!!

So don't wait another second and call us TODAY to learn more about our truly fascinating LAVA BOAT TOURS!!

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

Many Mahalos,



Item	Description	Quantity	Unit Price	Total Price
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**State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement**

<b>INVESTIGATION #</b> 17-0735-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> 02/07/2017 05:45AM	<b>Location</b> Pohoiki	<b>Classification</b> SBH COMMERCIAL RAMP USE		<b>Connecting Reports</b> 17-111-HA, 17-0328-HA, 17-0602-HA, 17-0736-HA

**Incident & Report Control Form** DOCARE-5 (Rev. 6/03)

**A. COMPLAINT**

**Taken By:** Craig Dente **Reported Date/Time:** 02/07/2017 05:45AM  
**How Taken:** On Beat

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

**Phone:**  
**Address:**

**Incident Summary:** Description COMMERCIAL RAMP USE  
 Suspect POMROY, Henry K  
 Vehicle/Vessel HA9669H

**Location:** Pohoiki **Occured From:** 02/07/2017 05:45AM  
**Location Notes:** Pohoiki Boat Ramp **Occured To:**

**B. REPORT CONTROL**

**Branch:** Hawaii  
**District:** Puna  
**Lead Investigator:** Craig Dente  
**Date Assigned:** 02/11/2017 11:22AM

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

CLOSED - CITATION ISSUED (062433 LNR)

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

INVESTIGATION # 17-0735-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 02/07/2017 05:45AM	Location Pohokiki	Classification SBH COMMERCIAL RAMP USE	Connecting Reports 17-111-HA, 17-0328-HA, 17-0602-HA, 17-0736-HA	

Investigation Report

BASIC	1 CLASSIFICATION SBH COMMERCIAL RAMP USE						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 Pohokiki Boat Ramp						15 DATE/TIME OCCURRED 02/07/2017 05:45AM		16 DATE/TIME REPORTED 02/07/2017 05:45AM

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 808-935-8092	29 CELL
	30 NOTES							
	31 TYPE Truck	32 YEAR 2005	33 MAKE Dodge	34 MODEL PKUP	35 COLOR Grey	36 LICENSE / HA No.	37 LENGTH -	38 STOLEN No
39 REGISTERED OWNER Henry Pomroy		40 ADDRESS			41 HOME	42 WORK 808-935-8092	43 CELL	
44 NOTES								

PEOPLE	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 808-935-8092	55 CELL
	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	

SYNOPSIS	78 SYNOPSIS							
	<p>Observed suspect at Pohokiki Boat Ramp, engaged in commercial charter operations, offering lava boat tours for cash payment. Suspect was not in possession of a commercial use permit for Pohokiki. Citation 062433 LNR issued.</p> <p>Suspect has previous history of conducting lava boat tours from Pohokiki. Suspect was issued a Cease and Desist Order by DLNR DOBOR on 09-14-2016, and previously warned verbally to stop conducting a passengers-for-hire lava tour operation. Refer to connecting reports 17-111-HA, 17-0328-HA, and 17-0602-HA. Boarding was conducted jointly with U.S. Coast Guard Law Enforcement Officers, where the suspect was issued a Notice of Violation for 46 CFR 15.605, Operating a Commercial Passenger Vessel without a Merchant Mariner Credential (Captain's License).</p> <p>INVESTIGATION CONTINUING</p>							

WRITER	79 REPORT WRITTEN BY Dente, Craig	80 BADGE No. 236	81 DATE/TIME WRITTEN 02/11/2017 11:43 AM	82 SUPERVISOR APPROVING Waller, James	83 DATE/TIME APPROVED 2-26-17	84 BADGE No. 19
	85 DISPOSITION					

<b>INVESTIGATION #</b> 17-0735-HA	<b>DISTRICT</b> Puna	<b>LEAD INVESTIGATOR</b> Craig Dente	<b>KEY REPORT</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>DATE / TIME REPORTED</b> 2/7/2017 5:45:00 AM	<b>LOCATION</b> Pohoiki	<b>CLASSIFICATION</b> SBH COMMERCIAL RAMP USE	<b>CONNECTING REPORT(S)</b> 17-111-HA, 17-0328-HA, 17-0602-HA, 17-0736-HA

Report Type:  Continuation of Report     Supplemental     Follow Up  
 Date/Time Written: 02-25-2017 / 1400 hrs  
 Written By: Dente, Craig

## Report

### ASSIGNMENT

While on duty as DOCARE 637 on 02-07-2017, from approximately 0530 hrs to 0645 hrs, I conducted a joint boarding with U.S. Coast Guard Law Enforcement Officers of suspect Henry "Skosh" POMROY's 25 foot white fiberglass catamaran "HOOKUPU" HA 9689H at the Pohoiki Boat Ramp staging area at the Isaac Hale Beach Park lower parking lot, in Puna, HI.

I observed suspect Henry "Skosh" POMROY conducting Commercial Operations at Pohoiki Boat Ramp without a Commercial Use Permit. I issued POMROY a Citation. POMROY had previously been served a Cease-and-Desist letter from DLNR Division of Boating and Ocean Recreation (DOBOR), directing him to stop conducting commercial operations without a permit at Pohoiki. Suspect Henry "Skosh" POMROY had also been warned by me for conducting commercial operations without a permit on a separate date.

### BACKGROUND

- 09-14-2016:** Suspect Henry "Skosh" POMROY was issued a Cease & Desist Letter from DLNR DOBOR to cease conducting commercial operations at Pohoiki. Refer to report 17-111-HA, enclosed as Exhibit 1 and Cease & Desist Letter enclosed as Exhibit 2.
- 10-27-2016:** Suspect Henry "Skosh" POMROY observed conducting commercial operations at Pohoiki Boat Ramp; case referred to DLNR DOBOR for Civil Penalties. Refer to report 17-0328-HA, enclosed as Exhibit 3.
- 01-08-2017:** Suspect Henry "Skosh" POMROY observed upon return from an ocean voyage on HOOKUPU HA9689H at Pohoiki Boat Ramp; four tourists in the area made verbal statements that they paid him to go on a lava tour on his boat. Although cooperative at the time, the tourists refused to make written statements; therefore I had insufficient evidence to put forth a case to Environmental Court. Refer to report 17-0602-HA, enclosed as Exhibit 4.
- 02-07-2017:** Suspect Henry "Skosh" POMROY observed conducting commercial operations at Pohoiki Boat Ramp, with seven paying customers onboard; details contained herein.

### SCENE

- Location:** Pohoiki Boat Ramp staging area / Isaac Hale Beach Park lower parking lot.
- Time Element:** The boarding commenced at approximately 0545 hrs, and concluded approximately 0645 hrs.
- Sunrise:** According to the U.S. Naval Observatory, sunrise occurred at Pahoia, HI at 0652 hrs on 02-07-2017.
- Lighting:** The boarding commenced during total darkness. At the end of the boarding, it was daybreak.
- Weather:** The sky was clear, with calm winds and no precipitation.
- Persons at Scene:** Upon my approach, there were 11 persons loaded into the HOOKUPU HA9689H, which was resting on boat trailer [redacted] which was attached to a Dodge Pickup Truck [redacted]. All 11 persons onboard were identified and are listed below.
- Vessel:** HOOKUPU HA9689H, a 25 foot white power catamaran with twin 150HP Honda outboard engines. HOOKUPU HA9689H was on boat trailer [redacted] attached to a grey Dodge pickup truck [redacted]. Registered owners of the HOOKUPU HA9689H are Henry "Skosh" POMROY and Bill FUJIMOTO, according to the DOBOR Vessel Registry, enclosed as Exhibit 4.

(Continued on Next Page)

Dente, Craig  
Officer



236  
Badge No

02-25-2017 / 1400 hrs  
Date / Time

S

INVESTIGATION # 17-0735-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/7/2017 5:45:00 AM	LOCATION Poholki	CLASSIFICATION SBH: COMMERCIAL RAMP USE	CONNECTING REPORT(S) 17-111-HA, 17-0320-HA, 17-0802-HA, 17-0735-HA

## Report (Continued)

### COAST GUARD INVESTIGATIVE SERVICES OFFICERS RESERVED SEATS ON TOUR ONLINE

As part of the joint DOCARE / USCG Boarding, Coast Guard Investigative Service (CGIS) Agents ██████████ stated to me that they booked a tour on HA9689H online, at website <https://bigislandlavaboat.com>; stating that they left a \$25 deposit, each, via credit card online. Instructions provided via email instructed them to pay \$150 in cash each to the vessel operator after the tour was completed. Additionally, paying passenger ██████████ provided an email between BIG ISLAND LAVA BOAT webmaster ██████████ and himself providing financial details of Commercial Operations at Poholki Boat Ramp, HA9689H, and Captain "Skosh"; which is attached as Exhibit 6. The first attachment to this email contains a photograph of HA9689H, and is included as Exhibit 7.

### PAYING PASSENGERS IDENTIFIED AND INTERVIEWED

I conducted interviews of the five other paying passengers, with the assistance of U.S. Coast Guard Investigative Service (CGIS) Agents J. MASTERSON, ██████████ U.S. Coast Guard Boarding Officers ██████████ and DOCARE Officer L. TERLEP. All passengers made verbal statements that they booked a tour online at <https://bigislandlavaboat.com>, left a \$25 deposit per person via credit card online, and agreed to pay \$150 in cash per person to the vessel operator after the tour was completed.

- CGIS Agent ██████████ made a verbal statement to me that he reserved his seat for \$25 online via credit card at the website listed above, and made an agreement with POMROY to pay \$150 in cash for upon the conclusion of the lava tour.
- CGIS Agent ██████████ made a verbal statement to me that his partner ██████████ reserved his seat for an additional \$25 via credit card at the website listed above, and made an agreement with POMROY to pay \$150 in cash upon conclusion of the lava tour.
- ██████████, a tourist from Sydney Australia, made a verbal statement to me that he reserved his seat for \$25 online via credit card at the website listed above, and instructions on the confirmation email he received instructed him to pay an additional \$150 in cash to Captain Skosh upon the conclusion of the lava tour.
- ██████████ T, ██████████ a tourist from Sydney Australia, made a verbal statement to me that she reserved her seat for \$25 online via credit card at the website listed above, and instructions on the confirmation email she received instructed her to pay an additional \$150 in cash to Captain Skosh upon the conclusion of the lava tour.
- ██████████, a tourist from New Milford, PA, made a verbal statement to me that he reserved his seat for \$25 online via credit card at the website listed above, and instructions on the confirmation email he received instructed him to pay an additional \$150 in cash to Captain Skosh upon the conclusion of the lava tour.
- ██████████, a tourist from San Jose, CA, made a verbal statement to me that he reserved his seat for \$25 online via credit card at the website listed above, and instructions on the confirmation email he received instructed him to pay an additional \$150 in cash to Captain Skosh upon the conclusion of the lava tour.
- ██████████, of a tourist from San Jose, CA, made a verbal statement to me that she reserved her seat for \$25 online via credit card at the website listed above, and instructions on the confirmation email she received instructed her to pay an additional \$150 in cash to Captain Skosh upon the conclusion of the lava tour.

### NON-PAYING PASSENGERS IDENTIFIED AND INTERVIEWED

Non Paying passengers aboard HOOKUPU HA9689H on the morning of 02-07-2017 were identified as:

- ██████████ of Pahoia, HI. Claimed to be a long-time friend of Henry "Skosh" POMROY.
- ██████████ of Pahoia, HI, ██████████, family friend of Henry "Skosh" POMROY.
- ██████████ of Hilo, HI; claimed to be crewmember onboard HOOKUPU HA9689H.

(Continued on Next Page)

Dente, Craig  
Officer



236  
Badge No

02-25-2017 / 1400 hrs  
Date / Time

INVESTIGATION # 17-0735-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/7/20 17 5:45:00 AM	LOCATION Poholki	CLASSIFICATION SBH COMMERCIAL RAMP USE	CONNECTING REPORT(S) 17-111-HA, 17-0328-HA, 17-0602-HA, 17-0736-HA

Report (Continued)

TRUCK DRIVER IDENTIFIED

The person driving the Dodge Pickup Truck [redacted] pulling the HOOKUPU HA9689H with passengers loaded onboard, on boat trailer [redacted] identified himself as Bill FUJIMOTO [redacted] of Hilo, HI, and presented Hawaii State Drivers License [redacted] FUJIMOTO was also issued a Citation for Commercial Operations without a Commercial Use Permit during this boarding (062434 LNR). Refer to connecting report 17-0736-HA for more details.

SUSPECT (VESSEL MASTER/CAPTAIN) IDENTIFIED

The operator of HOOKUPU HA9689H was Henry POMROY, [redacted], of Hilo, HI, known to me from previous interactions. POMROY presented me with a valid Hawaii State driver's license, number [redacted] POMROY uses a well known alias "Skosh."

SUSPECT NOT IN POSSESSION OF A COMMERCIAL USE PERMIT

I asked suspect Henry POMROY to present me with his COMMERCIAL USE PERMIT for Pohoiki Boat Ramp. POMROY stated that he did not have a permit.

NO ADVICE OF RIGHTS CONDUCTED - NO QUESTIONS ASKED OR STATEMENT SOLICITED

Based on interviews of the paying passengers and CGIS Agents, I did not need a statement from POMROY to establish that he was conducting commercial operations at Pohoiki Boat Ramp; therefore, I did not conduct an advice of rights or conduct questioning.

PHOTOGRAPHS TAKEN AT THE SCENE

Photographs were taken at dawn of the HOOKUPU HA9689H at approximately 0634 hrs; see attached photo log. Photographs were not taken at the scene initially when all passengers were loaded aboard because darkness precluded it.

VIOLATION

HAR 13-231-3(a)(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.

CITATION ISSUED

Based on the information listed above, I found that POMROY was using Pohoiki Boat Ramp for Commercial Activity and did not have a Commercial Use Permit for Pohoiki. I issued citation 062433 LNR to POMROY for adjudication in Third Circuit Environmental Court. POMROY refused to sign the citation form, but verbally acknowledged that he had a mandatory court appearance in Environmental Court on 03-17-2017 in South Hilo Courtroom 2B at 0830. I then gave POMROY his yellow copy of the citation form. See attached photo log, which contains a photograph of me handing him his yellow copy of the citation form.

DISPOSITION

CLOSED - CITATION ISSUED (062433 LNR)

(Continued on Next Page)

Dente, Craig  
Officer



236  
Badge No

02-25-2017 / 1400 hrs  
Date / Time

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

INVESTIGATION # 17-0735-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dante	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/7/2017 5:45:00 AM	LOCATION Pohoiki	CLASSIFICATION SBH: COMMERCIAL RAMP USE	CONNECTING REPORT(S) 17-111-HA, 17-0328-HA, 17-0602-HA, 17-0736-HA

## Report (Continued)

### LIST OF EXHIBITS

- Exhibit 1: DOCARE Report 17-111-HA
- Exhibit 2: Copy of DLNR DOBOR Cease and Desist Letter, with signed USPS Certified Mail Receipts
- Exhibit 3: DOCARE Report 17-0328-HA
- Exhibit 4: DOCARE Report 17-0602-HA
- Exhibit 5: HOOKUPU HA9689H Vessel Registration Information
- Exhibit 6: Copy of email dated 02-08-2017 at 2101 hrs from BIGISLAND LAVA BOAT (G. NOTTINGHAM) to paying passenger [REDACTED] with financial details of HOOKUPU HA9689H commercial operations out of Pohoiki Boal Ramp.
- Exhibit 7: Copy of first attachment to Exhibit 6 Email dated 02-06-2017 at 2101 hrs, which is a photograph of HOOKUPU HA9689H.

(End of Report)

Dante, Craig  
Officer



236  
Badge No

02-25-2017 / 1400 hrs  
Date / Time



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

INVESTIGATION # 17-0735-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT [ X ] Yes [ ]
DATE / TIME REPORTED 2/7/2017 5 45 00 AM	LOCATION Pohoiki	CLASSIFICATION SBH COMMERCIAL RAMP USE	CONNECTING REPORT(S) 17-111-HA, 17-0328-HA, 17-0602-HA, 17-0736-HA

Report Description: **Photo Log**

Date/Time Taken: **02-07-2017 / Approximately 0634 hrs – 0637 hrs**

Taken By: **Dente, Craig**

Scene: **Pohoiki Boat Ramp Staging Area / Isaac Hale Beach Park**

Equipment: **iPhone**

Weather Conditions: **Clear / Day**

Lighting: **Natural / Daylight**

Focus: **Auto**

**1** Depicts starboard quarter of HA9689H at scene



**2** Depicts starboard side of HA9689H at scene



**3** Depicts port side of HA9689H at scene



**4** Depicts POMROY receiving Citation 062433 LNR



Sun or Moon Rise/Set Table for One Year

\* SOURCE \*

Location: W154 57, N19 30

PAHUA, HAWAII  
Rise and Set for the Sun for 2017

Hawaii-Aleutian Standard Time

Astronomical Applications Dept.  
U. S. Naval Observatory  
Washington, DC 20392-5428

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05	0655	1756	0653	1815	0636	1827	0610	1835	0549	1844	0541	1856	0547	1902	0558	1854	0605	1831	0612	1804	0623	1744	0640	1741
06	0656	1756	0653	1815	0635	1827	0609	1835	0548	1845	0541	1857	0547	1902	0558	1853	0606	1830	0612	1803	0623	1743	0641	1741
07	0656	1757	0652	1816	0634	1827	0608	1836	0548	1845	0541	1857	0547	1902	0558	1853	0606	1829	0612	1802	0624	1743	0642	1741
08	0656	1758	0652	1816	0634	1828	0607	1836	0547	1845	0541	1857	0548	1902	0558	1852	0606	1828	0612	1802	0624	1743	0642	1742
09	0656	1758	0651	1817	0633	1828	0607	1836	0547	1846	0541	1858	0548	1902	0559	1851	0606	1827	0613	1801	0625	1742	0643	1742
10	0656	1759	0651	1817	0632	1828	0606	1836	0546	1846	0541	1858	0548	1902	0559	1851	0606	1826	0613	1800	0625	1742	0643	1742
11	0656	1800	0650	1818	0631	1828	0605	1837	0546	1847	0541	1858	0549	1902	0559	1850	0607	1825	0613	1759	0626	1742	0644	1743
12	0657	1800	0650	1818	0630	1829	0604	1837	0546	1847	0541	1859	0549	1902	0600	1850	0607	1825	0614	1758	0626	1741	0645	1743
13	0657	1801	0649	1819	0629	1829	0603	1837	0545	1847	0541	1859	0549	1902	0600	1849	0607	1824	0614	1758	0627	1741	0645	1743
14	0657	1802	0649	1819	0629	1829	0603	1838	0545	1848	0541	1859	0550	1902	0600	1848	0607	1823	0614	1757	0628	1741	0646	1744
15	0657	1802	0648	1820	0628	1830	0602	1838	0544	1848	0541	1900	0550	1901	0601	1848	0607	1822	0614	1756	0628	1741	0646	1744
16	0657	1803	0648	1820	0627	1830	0601	1838	0544	1849	0542	1900	0550	1901	0601	1847	0608	1821	0615	1755	0629	1740	0647	1745
17	0657	1804	0647	1821	0626	1830	0600	1838	0544	1849	0542	1900	0551	1901	0601	1846	0608	1820	0615	1755	0629	1740	0647	1745
18	0657	1804	0646	1821	0625	1830	0600	1839	0543	1849	0542	1900	0551	1901	0601	1845	0608	1819	0615	1754	0630	1740	0648	1745
19	0657	1805	0646	1822	0624	1831	0559	1839	0543	1850	0542	1901	0552	1901	0601	1845	0608	1818	0616	1753	0630	1740	0648	1746
20	0657	1805	0645	1822	0623	1831	0558	1839	0543	1850	0542	1901	0552	1900	0602	1844	0608	1817	0616	1753	0631	1740	0649	1746
21	0657	1806	0645	1822	0623	1831	0557	1840	0543	1851	0542	1901	0552	1900	0602	1843	0609	1816	0616	1752	0632	1740	0650	1747
22	0657	1807	0644	1823	0622	1831	0557	1840	0542	1851	0543	1901	0553	1900	0602	1842	0609	1816	0617	1751	0632	1740	0650	1747
23	0656	1807	0643	1823	0621	1832	0556	1840	0542	1851	0543	1901	0553	1859	0603	1842	0609	1815	0617	1751	0633	1740	0650	1748
24	0656	1808	0643	1824	0620	1832	0555	1841	0542	1852	0543	1902	0553	1859	0603	1841	0609	1814	0618	1750	0634	1740	0651	1749
25	0656	1809	0642	1824	0619	1832	0555	1841	0542	1852	0543	1902	0554	1859	0603	1840	0609	1813	0618	1749	0634	1740	0651	1749
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27	0656	1810	0640	1825	0617	1833	0553	1842	0541	1853	0544	1902	0554	1858	0604	1838	0610	1811	0619	1748	0635	1740	0652	1750
28	0656	1810	0640	1825	0617	1833	0553	1842	0541	1853	0544	1902	0555	1858	0604	1838	0610	1810	0619	1748	0636	1740	0653	1751
29	0655	1811			0616	1833	0552	1842	0541	1854	0545	1902	0555	1857	0604	1837	0610	1809	0620	1747	0637	1740	0653	1751
30	0655	1812			0615	1834	0552	1843	0541	1854	0545	1902	0556	1857	0604	1836	0610	1808	0620	1747	0637	1740	0653	1752
31	0655	1812			0614	1834			0541	1854			0556	1856	0604	1835			0620	1746			0654	1753

[Back to form](#)

Feb 24, 2017 11:50:21 AM

Printed By: H15DENTC from DLNR02

Received Time: 11:48:32 02-24-17 Source ORI: HI0020702  
Summary: M55L: LIC-[REDACTED] TYP=1  
View Message Details

DLNR02 00016 AT 11:48 02/24/2017  
RX05M55L  
MRI-092693

Received Time: 11:48:32 02-24-17 Source ORI: HILIC0000  
Summary: M55L: LIC-[REDACTED] TYP=1  
View Message Details

M55L/1 [REDACTED]  
PLATE: [REDACTED] STATUS: A SPEC-PLT: EMBLEM: [REDACTED] EXPIR-DATE: 03 17  
VIN: [REDACTED] MAKE: DODG TYPE: PKUP YR-MODEL: 05 COLOR: G  
RO-NAME: POMROY HENRY PHON-CODE: P560H COUNTY: H  
RO-ADDRESS: [REDACTED] RO-CITY: HILO HI 96720  
LO-NM: SAME SF-EXP: 01 18 TCI-NO: 304HDY-16  
LO-ADDRESS: LO-CITY:  
1ST-SOLD: 03 29 05 DT-ISS: 08 29 16 TX-RT: F HVUC: TVB: BAD-CK: SP-VEH: 1  
NET-WT: 06950 GVW: 000000 EXMPT: FUEL: D ODOM: 176616 ODOM-EXC: N ODOM-DSC: N  
MO-TX: 00 TAX-COLL: 0.00 PENALTY-AMT: 0.00 PLT-EMB: .00 OT-PND:  
PRI-PT: 578HDR XRF-PT: VO: N MO: N DUP-DT: LS-UDT: 01 28 17  
ELT KEY:  
F1:MPL F2:MOT F3:MCP F5:MFC F6:MAC F7:MCMT F10:MNR F11:MVRN F12:MFEE

MRI 92694 IN: RX05M55L 589 AT 24FEB2017 11:48:32  
OUT: DLNR02 11 AT 24FEB2017 11:48:32

Feb 24, 2017 11:49:46 AM

Printed By: H15DENTC from DLNR02

Received Time: 11:47:20 02-24-17 Source ORI: HI0020702  
Summary: ADLB: OLN: [REDACTED]  
View Message Details

DLNR02 00015 AT 11:47 02/24/2017  
RX01ADLB  
MRI-092665

Received Time: 11:47:20 02-24-17 Source ORI: HI0LN0000  
Summary: ADLB: OLN: [REDACTED]  
View Message Details

ADLB DRIVER LICENSE GENERAL ROOT INQUIRY ZADLB1M  
PF KEY DATE 02/24/17 11:47 TERM RY01  
P/L/U/T LICENSE SSN LIC STATUS BIRTHDATE CLASS CDL CTY LIC EXPIRES  
L S [REDACTED] [REDACTED] ACTIVE [REDACTED] 3 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]

HILO, HI 96720

HOME ADDRESS  
HEIGHT WEIGHT HAIR EYES SEX  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] M

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 92666 IN: RX01ADLB 253 AT 24FEB2017 11:47:20  
OUT: DLNR02 10 AT 24FEB2017 11:47:20

(c) For the purpose of this section, a lessee under a lease not intended as security is not an "owner".

(d) Offshore mooring rules and areas are described in chapter 13-235. [Eff 2/24/94; am and comp 9/25/14] (Auth: HRS §§200-2, 200-3, 200-4, 200-6) (Imp: HRS §§200-2, 200-3, 200-4, 200-6)

§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:

- (1) Mooring permit. A use permit which authorizes the docking, mooring, or anchoring of a vessel at a small boat harbor or offshore mooring area.
  - (A) Regular mooring permit. A use permit which authorizes the permittee to moor a vessel in a state small boat harbor or at an offshore mooring area for a period not to exceed one year from the date of issuance.
  - (B) Temporary mooring permit. A non-renewable use permit which authorizes the permittee to moor a vessel in a state small boat harbor or at an offshore mooring area for a period of thirty days or less from the date of issuance.
- (2) Waikiki catamaran registration certificate. A Waikiki catamaran registration certificate is a document, issued by the department, that may authorize its holder to utilize state boating facilities, offshore and onshore mooring, in Waikiki ocean waters and beach.

- (3) Stay aboard permit. A use permit which authorizes use of a state small boat harbor or offshore mooring by the permittee for the purpose of staying aboard a vessel while moored in a state small boat harbor or at an offshore mooring or at anchor.
  - (4) Vacation permit. A use permit which authorizes use of the small boat harbor or an offshore mooring area by the permittee for the purpose of using a vessel as a vacation site while moored in a state small boat harbor or at an offshore mooring or at anchor.
  - (5) Principal habitation permit. A use permit which authorizes use of the small boat harbor by the permittee for the purpose of using the vessel as a principal place of habitation while moored in Ala Wai or Keehi small boat harbor or in the Keehi Lagoon mooring area.
  - (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.
  - (7) Storage permit. A use permit which authorizes use of a small boat harbor storage area for vessels or other items on land at a small boat harbor.
  - (8) Miscellaneous permit. A use permit which authorizes use of a small boat harbor or an offshore mooring area for other purposes as may be authorized by the department in its use permit and is consistent with these rules and applicable laws.
- (b) Use permits, or where applicable, Waikiki catamaran registration certificates, shall be issued only after the department has determined that all applicable laws have been complied with and that all fees and charges have been paid.
- (c) The issuance of any use permit by the department shall not create a property interest in favor of the permittee to an unrestricted use of state

small boat harbors, facilities or state ocean waters.  
[Eff 2/24/94; am and comp 9/25/14] (Auth: HRS §§200-2,  
200-3, 200-4, 200-6) (Imp: HRS §§200-2, 200-3, 200-4,  
200-6)

§13-231-4 Use permits; part-time or intermittent occupancy. (a) No use permit for docking, mooring, or anchoring a vessel at a small boat harbor or at an offshore mooring area shall be issued to any person who has been issued a use permit to moor the same vessel at any other small boat harbor, offshore mooring, private marina or yacht club in the State. A temporary mooring permit may be issued to authorize temporary mooring in any small boat harbor or offshore mooring area.

(b) Temporary mooring of a vessel within the same small boat harbor or offshore mooring area shall not exceed a cumulative period of more than one hundred and twenty days in the same calendar year per vessel, except as provided in section 13-256-73.11 for commercial vessels authorized for use at Heeia Kea small boat harbor. Temporary mooring permits shall be issued in accordance with section 13-231-85.

(c) Notwithstanding the provisions of subsection (a), the department may issue additional offshore mooring permits to owners of vessels holding a valid commercial use permit issued pursuant to section 13-231-59. [Eff 2/24/94; am and comp 9/25/14] (Auth: HRS §§200-2, 200-3, 200-4, 200-6) (Imp: HRS §§200-2, 200-3, 200-4, 200-6)

§13-231-5 Period of validity and renewal of various types of use permits. (a) The department may issue or reissue a use permit of all types, including but not limited to commercial use permits, catamaran registration certificates, and mooring permits, for any period up to, but not exceeding one year. Upon expiration of the period stated therein, the use permit and all rights of the permittee thereunder shall automatically terminate. No type of use permit

**§200-14 Violation of rules; penalty.** (a) Except as provided in subsection (b), any person who violates any rule adopted by the department under this part or who violates this part, shall be fined not more than \$1,000 or less than \$50 for each violation, and any vessel, the agents, owner, or crew of which violate the rules of the department or this part, shall be fined not more than \$1,000 or less than \$50 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 or mooring any vessel in state waters for a period of not more than thirty days.

(b) Any person who violates any rule adopted by the department under this part regulating vehicular parking or traffic movement shall have committed a traffic infraction as set forth in chapter 291D, the adjudication of which shall be subject to the provisions contained therein. A person found to have committed such a traffic infraction shall be fined not more than:

- (1) \$100 for a first violation;
- (2) \$200 for a second violation; and
- (3) \$500 for a third or subsequent violation.

(c) Notwithstanding the provisions of subsection (a) establishing a fine of not more than \$1,000 or less than \$50 for each violation, any person who violates any rule adopted by the department relating to unauthorized discharge, dumping, or abandoning, in any state boating facility or state waters, of any petroleum product, hazardous material, or sewage in violation of the state water quality standards established by the department of health, shall be fined not more than \$10,000 for each day of violation, and any vessel, the agents, owner, or crew of which violate the rules of the department shall be fined not more than \$10,000 for each day of violation. [L 1991, c 272, pt of §2; am L 1994, c 38, §1; am L 1997, c 204, §1; am L 2008, c 101, §4; am L 2014, c 218, §]

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17-111

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 [X] Yes [ ] No
Date/Time Reported 09/20/2016 01:40PM	Location Pohohi	Classification OWHWB: COMMERCIAL ACTIVITY		Connecting Reports

Incident & Report Control Form

DOCARE-5 (Rev. 8/03)

A. COMPLAINT

Taken By: Craig Dente      Reported Date/Time: 09/20/2016 01:40PM  
 How Taken: On Boat

Complainant: Craig Dente  
 Home      Work      Cell

Phone:  
 Address:

Incident Summary      Description: Commercial Activity  
 Suspect: Henry "Skosh" POMROY

Vehicle/Vessel: HA 9688 H  
 Location: Pohohi  
 Location Notes: Isaac Hale Beach Park Boat Washing Station

Occurred From: 09/18/2016 09:45AM  
 Occurred To:

B. REPORT CONTROL

Branch: Hawaii  
 District: Puna  
 Lead Investigator: Craig Dente  
 Date Assigned: 09/20/2016 01:52PM

KONA \_\_\_\_\_ ST. PARS  
 HILO \_\_\_\_\_ DOBOR 8.25.16  
 KAMUELA \_\_\_\_\_ PROSECUTOR  
 HONOLULU \_\_\_\_\_ FEDERAL  
 AQUATICS \_\_\_\_\_ HP  
 DOFAW \_\_\_\_\_ OCOL  
 LAND DIV \_\_\_\_\_

C. NOTES/DISPOSITION/OTHER INFO

CLOSED - RECORD ONLY // FORWARD TO DOBOR

Page 1 of 1  
 EXHIBIT 1 (P1 of 9)  
 DOCARE REPORT 17-111-HA

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 08/16/2016 09:45AM	Location Pohokai	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 08/16/2016 09:45AM		16 DATE/TIME REPORTED 08/16/2016 09:45AM	

VEHICLES	17 TYPE Boat	18 YEAR 2012	19 MAKE Fiberglass Calamar	20 MODEL Yardbuilt	21 COLOR White	22 LICENSE / HA No. HA5589H	23 LENGTH 25	24 STOLEN No	
	25 REGISTERED OWNER Henry Pomroy		26 ADDRESS			27 HOME	28 WORK 808-935-8092	29 CELL	
	30 NOTES								
	31 TYPE	32 YEAR	33 MAKE	34 MODEL	35 COLOR	36 LICENSE / HA No.	37 LENGTH	38 STOLEN	

PEOPLE	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 808-935-8092	55 CELL		
	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		

SYNOPSIS	76 STROPSIS
	While on duty as DOCARE 627 on 08-16-2016, 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 Pohokai Boat Ramp, but did not have a Commercial Use Permit for Pohokai.
INVESTIGATION CONTINUING	

WRITER	79 REPORT WRITTEN BY Dente, Craig	82 BADGE No. 236	81 DATE/TIME WRITTEN 08/20/2016 02:10PM	80 SUPERVISOR APPROVED Weller, James	83 DATE/TIME APPROVED 08/23/16	84 BADGE No. 19
	85 DEPOSITION					

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 Pohokii	CLASSIFICATION OWNWB: 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 Pohokii, 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 Pohokii, 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, DOB [REDACTED], 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 Pohokii, 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		236 Badge No	08-21-2016 / 1300 hrs Date / Time
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EXHIBIT 1 (P3 of 9)  
DOCARE REPORT 17-111-111

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

INVESTIGATION #  
17-111-HA

DISTRICT  
Puna

LEAD INVESTIGATOR  
Craig Dentle

KEY REPORT  
 Yes  No

DATE / TIME REPORTED  
8/16/2016 8:45:00 AM

LOCATION  
Pohokai

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)(6). 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 9889 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)(6), then notify the company and DOCARE of the determination.

CLOSED - RECORD ONLY // FORWARD TO DOBOR

Dentle, 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 Denis

KEY REPORT  
 Yes  No

DATE / TIME REPORTED  
8/16/2016 9:45:00 AM

LOCATION  
Pohehi

CLASSIFICATION  
OWNWB COMMERCIAL ACTIVITY

CONNECTING REPORT(S)

Report Description: Photo Log  
Date/Time Taken: 08-16-2016 / 1000 hrs  
Taken By: Denis, Craig  
Scene: Isaac Hale Beach Park

Equipment: Olympus Digital Camera  
Weather Conditions: Sunny / Clear  
Lighting: Daylight  
Focus: Auto

1 Depicts starboard side of HA 9689 H on trailer



2 Depicts port side of HA 9689 H on trailer



3 Depicts HA 9689 H trailer, possibly buckling



4 Depicts stern of HA 9689 H on trailer

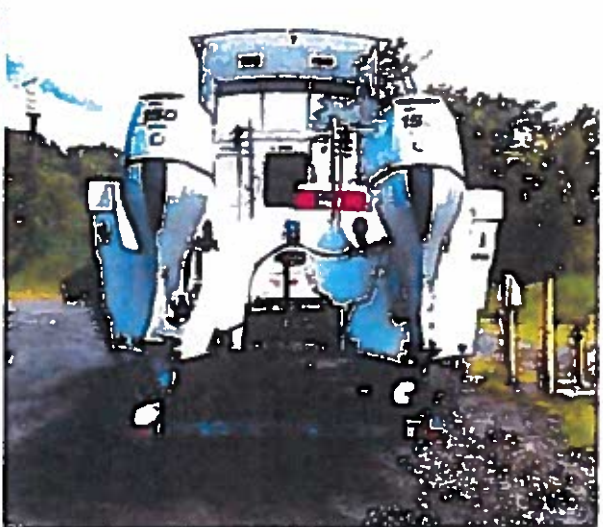


EXHIBIT 1 (P5 OF 9)  
DOCARE REPORT 17-111-HA

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

INVESTIGATION # 17-111-4A	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 09:43AM	Location Pohohi	Classification OWNWB: COMMERCIAL ACTIVITY		Connecting Reports

**WARNINGS**

Issuing Officer: Dente, Craig      Issue Date/Time: 08/21/2016 12:40PM

Defendant: Penroy, Henry (Suspect)

Notes: Observed trailer for HA9889H 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, OR CLEAN PLATES	1700 Small Boat Harbors
HRS 249-2 DELINQUENT WEIGHT TAX	1700 Small Boat Harbors
HRS 286-25 NO/EXPIRED CERTIFICATE OF INSPECTION	1700 Small Boat Harbors

Vehicle  
HA9889H (Fiberglass Catamaran /  
Yardbuhi)

EXHIBIT 1      (Page 1 of 9)  
DOCARE REPORT 17-111-4A

* REG # (HA-XXXX-XX) HA-9689-H	HULL ID TEN25003C010	DECAL # P11316	RAMP # P38514	STATUS ACTIVE	EXP DATE (MM/YY) 07/16
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PRINCIPAL OWNER   CO-OWNER   LIEN HOLDER   MORTGAGEE   VESSEL   VESSEL MISC   HULL   NOTES

**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  
96720

\* COUNTRY  
UNITED STATES

PROVINCE

**STREET ADDRESS**

SAME AS MAILING ADDRESS

\* REQUIRED

LAST UPDATED 09-22-2015 04:21:10 PM Loviann C Domingo

EXHIBIT 1 (P7 OF 9)  
DOLARE REPORT 17-111-LA



KEONI ERICSON  
 NATKAN KUROHARA } LICENSED 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.

EXHIBIT (1), PAGE 1 of 2  
 EXHIBIT 1 (P8 of 9)  
 DOLARE REPORT 17-111- HA



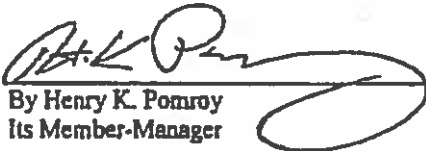
4. Copies of the Company's Articles of Organization and Operating Agreement are accessible as of September 1, 2016 on the Company's website, *hookupfishcompany.com*. To promote sustainability, Member waives delivery of paper copies of the Company's documents.

**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

EXHIBIT 1 (Pg of 9)  
DOLARE REPORT 17-111-11A

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) 327-3850 FACSIMILE (808) 327 3893

BUZZANNE 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



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 2 (P1 of 6)  
CEASE & DESIST LETTER

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: **2014 SEP 14 PM 1:20**

Henry K. Pomroy  
Ho'okupu Fish Company

BOR-H 035.17

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
  Addressee

B/ Received by (Printed Name) **A.K. POMROY** 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](http://www.usps.com).

2. Article Number  
(Transfer from service label)

7014 0150 0000 4324 3989

PS Form 3811, July 2013

Domestic Return Receipt

**OFFICIAL USE**

Postage	\$ 4.65
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.465

Postmark Here

BOR-H 035.17

Sent to **Henry K. Pomroy**  
Street, Apt. No. or PO Box No. **Ho'okupu Fish Co.**  
City, State, ZIP+4 **[REDACTED]**

PS Form 3800, August 2005 See Reverse for Instructions

UL - RETURN RECEIPT REQUESTED

EXHIBIT 2 (P2 of 6)  
CEASE & DESIST LETTER

7014 0150 0000 4324 3989

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) 327-3693 FACSIMILE (808) 327-3693

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

KEKOA KALUNIWA  
FIRST DEPUTY

JEFFREY T. PEARSON  
DEPUTY DIRECTOR - WATER

EDWARD UNDERWOOD  
ADMINISTRATOR  
DIVISION OF BOATING & OCEAN RECREATION

BOR-H 067.17

William Fujimoto

September 14, 2016

C/O: Steven Strauss

Dear Mr. Fujimoto:

**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:

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- (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 Z (P3 of 6)  
CEASE & DESIST LETTER

BOR-H 067.17  
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  
Henry Pomroy  
Steven Strauss

7014 0150 0000 4324 3965

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only, No Insurance Coverage Provided)  
For delivery information visit our website at www.usps.com

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

Postmark Here  
BOR-H 067.17

Sent to **William Fujimoto**  
**c/o Steven Strauss**  
Street, Apt. No., or PO Box No.  
City, State, ZIP+4

PS Form 3800, Aug 19, 2016

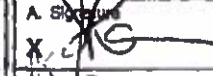
**SENDER: COMPLETE THIS SECTION**

- 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: 2016 09 21 PM  
**William Fujimoto**  
**c/o Steven Strauss**  
[Redacted]  
BOR-H 067.17

2. Article Number (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature:   Agent  Address

B. Received by (Printed Name): **Stephen Klask** Date of Delivery: **9/14/16**

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

3. Service Type  
 Certified Mail®  Priority Mail Express™  
 Registered  Return Receipt for Merchandise  
 Insured Mail  Collect on Delivery

4. Restricted Delivery? (Extra Fee)  Yes

SENT BY CER1

7014 0150 0000 4324 3965

PS Form 3811, July 2013

Domestic Return Receipt

EXHIBIT 2 (P4 of 6)  
CEASE & DESIST LETTER

DAVID 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) 327-3690 FACSIMILE: (808) 327-3693

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

KEROA KALUHWA  
FIRST DEPUTY

JEFFREY T. PEARSON  
DEPUTY DIRECTOR WATER

EDWARD UNDERWOOD  
ADMINISTRATOR  
DIVISION OF BOATING & OCEAN RECREATION

BOR-H 066.17

Steven Strauss  
[REDACTED]

September 14, 2016

Dear Mr. Strauss:

**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.

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- (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 2 (PS OF 6)  
CEASE & DESIST LETTER

BOR-H 066.17  
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  
Henry Pomroy  
William Fujimoto

7014 0150 0000 4324 3972

**U.S. Postal Service**  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

Postage	\$ 4.65	Postmark Here
Certified Fee	3.30	
Return Receipt Fee (Endorsement Required)	2.90	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.45	

BOR-H 066.17

Sent to: **Steven Strauss**  
 Street, Apt. No. or PO Box No. [Redacted]  
 City, State, ZIP+4 [Redacted]

PS Form 3800, August 2005 See Reverse for Instructions

**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: 2015 FEB 21 PM 4:47  
**Steven Strauss**  
 [Redacted]

SENT BY CER  
BOR-H 066.17

2. Article Number (Transfer from service label)  
PS Form 3811, July 2013

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X   Agent  
 Address

B. Received by (Printed Name) **Stephanie Klask** Date of Del **9/14/16**

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

3. Service Type  
 Certified Mail<sup>®</sup>  Priority Mail Express<sup>™</sup>  
 Registered  Return Receipt for Merchant  
 Insured Mail  Collect on Delivery

4. Restricted Delivery? (Extra Fee)  Yes

7014 0150 0000 4324 3972

EXHIBIT 2 (P6c)  
CEASE & DESIST LETT

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 Pohokai	Classification SBH COMMERCIAL ACTIVITY	Connecting Reports 17-111-HA, 17-0329-HA	

**Incident & Report Control Form**

DOCARE 6 (Rev. 03)

**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 COMMERCIAL ACTIVITY  
 Suspect Henry POMROY

Vehicle/Vessel: Hookupu HA9659H  
 Location: Pohokai      Occurred From: 10/27/2016 07:50AM  
 Location Notes: Pohokai Basin      Occurred To:

**B. REPORT CONTROL**

Branch: Hawsii  
 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

EXHIBIT 3 (P1 of 17) Page 1 of 1  
 DOCARE REPORT 17-0328-HA



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

INVESTIGATION # 17-0328-HA	District Puna	Lead Investigator Dante Craig	Report Status In Progress	May Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 10/27/2016 07 50AM	Location Pohokai	Classification SBH COMMERCIALACTIVITY	Connecting Reports 17-111-HA, 17-0329-HA	

Investigation Report

BASIC	1 CLASSIFICATION SBH COMMERCIALACTIVITY	2 SOURCE On Boat
	3 COMPLAINANT'S NAME Craig Dante	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 Pohokai Boat Ramp	15 DATE/TIME OCCURRED 10/27/2016 07 50AM   16 DATE/TIME REPORTED 10/27/2016 07 50AM

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 808-935-8092	29 CELL
	30 NOTES							
	31 TYPE Truck	32 YEAR 2005	33 MAKE Dodge	34 MODEL PKUP	35 COLOR Gray	36 LICENSE / HA No.	37 LENGTH -	38 STOLEN No
39 REGISTERED OWNER Henry Pomroy		40 ADDRESS				41 HOME	42 WORK 808-935-8092	43 CELL
44 NOTES								

PEOPLE	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 808-935-8092
	56 NAME	57 SEX	58 RACE	59 AGE	60 BIRTH DATE	61 OCCUPATION	
	62 CATEGORY	63 ADDRESS				64 HOME	65 WORK
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 Observed suspect Henry POMROY returning from an ocean voyage on HA9689H at Pohokai Boat Ramp. POMROY was observed to be conducting commercial operations, and not in possession of a Commercial Use Permit for Pohokai Boat Ramp. Two passengers admitted to paying him \$150 each to view the lava flow on HA9689H. 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 09-14-2016 (refer to connecting case 17-111)
	INVESTIGATION CONTINUING

WRITER	79 REPORT WRITTEN BY Dante Craig	80 BADGE No. 236	81 DATE/TIME WRITTEN 11/04/2016 01:31PM	82 SUPERVISOR'S NAME Weber, James	83 DATE/TIME APPROVED 11/11/16	84 BADGE No. 19
	85 DISPOSITION					

DOCARE-8

EXHIBIT 3 (P2 OF 3) of 1  
DOCARE REPORT 17-0328-HA

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 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 637 at approximately 0750 hrs on 10-27-2016, I observed Henry POMROY operating HA9689H, returning from sea, entering Pohohi 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 Pohohi Boat Ramp and had previously been issued a Cease and Desist notice from DOBOR for commercial operations at Pohohi (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 0600 hrs on 10-27-2016, I checked in for duty, and shortly thereafter, I proceeded to Pohohi Boat Ramp with Officer TAMURA.

### SCENE

At approximately 0700 hrs on 10-27-2016, Officer TAMURA and I arrived at the Pohohi Boat Ramp. I observed POMROY's pickup truck [REDACTED] attached to boat trailer [REDACTED] 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 Pohohi Boat Basin were approximately 2-4 foot easterly wind waves, with a 3-5 foot long-period easterly ground swell.

### OBSERVED HA9689H ENTERING POHOHI BASIN

At approximately 0750 hrs, I observed HA9689H approaching Pohohi 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



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  
 Yes  No

DATE / TIME REPORTED  
10/27/2016 7:50:00 AM

LOCATION  
Pohokiki

CLASSIFICATION  
SBH COMMERCIAL ACTIVITY

CONNECTING REPORT(S)  
17-111-HA, 17-0329-HA

## Report (Continued)

### INTERVIEWED SUSPECT HENRY POMROY

I informed POMROY that I suspected that he was conducting Commercial Operations at Pohokiki 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 17-0329-HA for details on safety inspection and enforcement action taken).

### OFFICER TAMURA COMPLETED INTERVIEWING PASSENGERS

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 Pohokiki 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 Pohokiki 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 Pohokiki 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 SBH 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 BH 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 [REDACTED]. They are further identified as,

[REDACTED]

Upon speaking with the [REDACTED] I was informed they went on EBAY and put down a \$50.00 deposit to book a tour with Henry POMROY. The [REDACTED] relayed that on the morning of 10-27-16 they met POMROY who identified himself to them as "SKOSH" at approximately 0530 hours. The [REDACTED] 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. [REDACTED] 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  
 Yes  No

DATE / TIME REPORTED  
10/27/2016 7 50 00 AM

LOCATION  
Pohokū

CLASSIFICATION  
SBH COMMERCIAL ACTIVITY

CONNECTING REPORT(S)

Report (Continued)

TOURIST CONTACTS CONT.

After speaking with the [REDACTED] I contacted four other tourists who came off the vessel, they were identified as,

[REDACTED]  
[REDACTED]  
[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. [REDACTED] informed me his cousin [REDACTED] who he communicates via facebook provided information of Henry POMROY. [REDACTED] 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 on Koele Street in Hilo and assisted with launching and loading the vessel upon exit in Pohokū.

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 *JN 11-4-16/1730*

INV. CONTINUING

Tamura, Ivan *[Signature]*  
Officer

251  
Badge No

11-4-16/1700  
Date / Time

EXHIBIT 3 (PG OF 17)  
DOCARE REPORT 17-0328

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

INVESTIGATION #  
17-0328-HA

DISTRICT  
Puna

LEAD INVESTIGATOR  
Craig Davis

KEY REPORT  
 Yes  No

DATE / TIME REPORTED  
10/27/2016 7 50 00 AM

LOCATION  
Pohokai

CLASSIFICATION  
SBH COMMERCIAL ACTIVITY

CONNECTING REPORT(S)

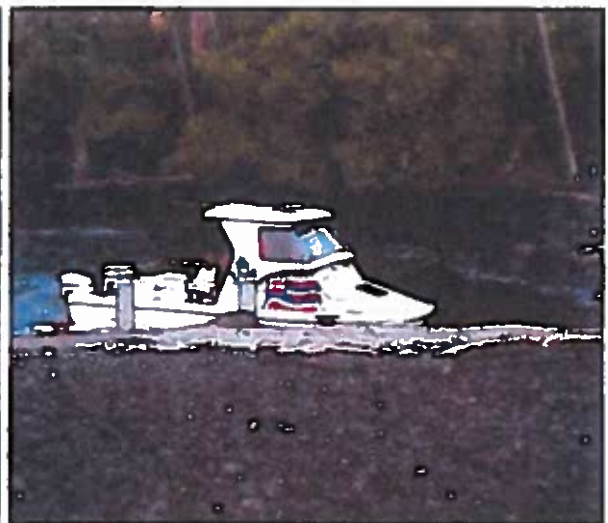
Report Description: Photo Record  
Date/Time Taken: 10-27-16/0802-0806  
Taken By: Tamara, Ivan  
Scene: Pohokai

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

1 Ho'okupu vessel coming in to exit Pohokai 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 #  
17-0328-11A

DISTRICT  
Puna

LEAD INVESTIGATOR  
Craig Denie

KEY REPORT  
 Yes  No

DATE / TIME REPORTED  
10/27/2016 7:50 AM

LOCATION  
Pohakuli

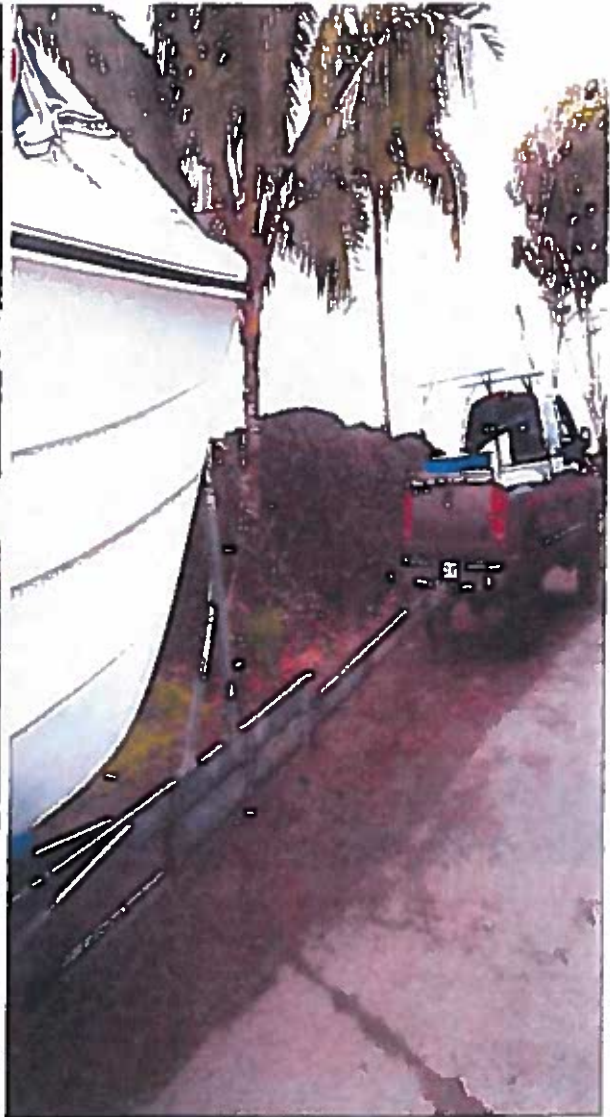
CLASSIFICATION  
SBH COMMERCIAL ACTIVITY

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 Dentle

KEY REPORT  
 Yes  No

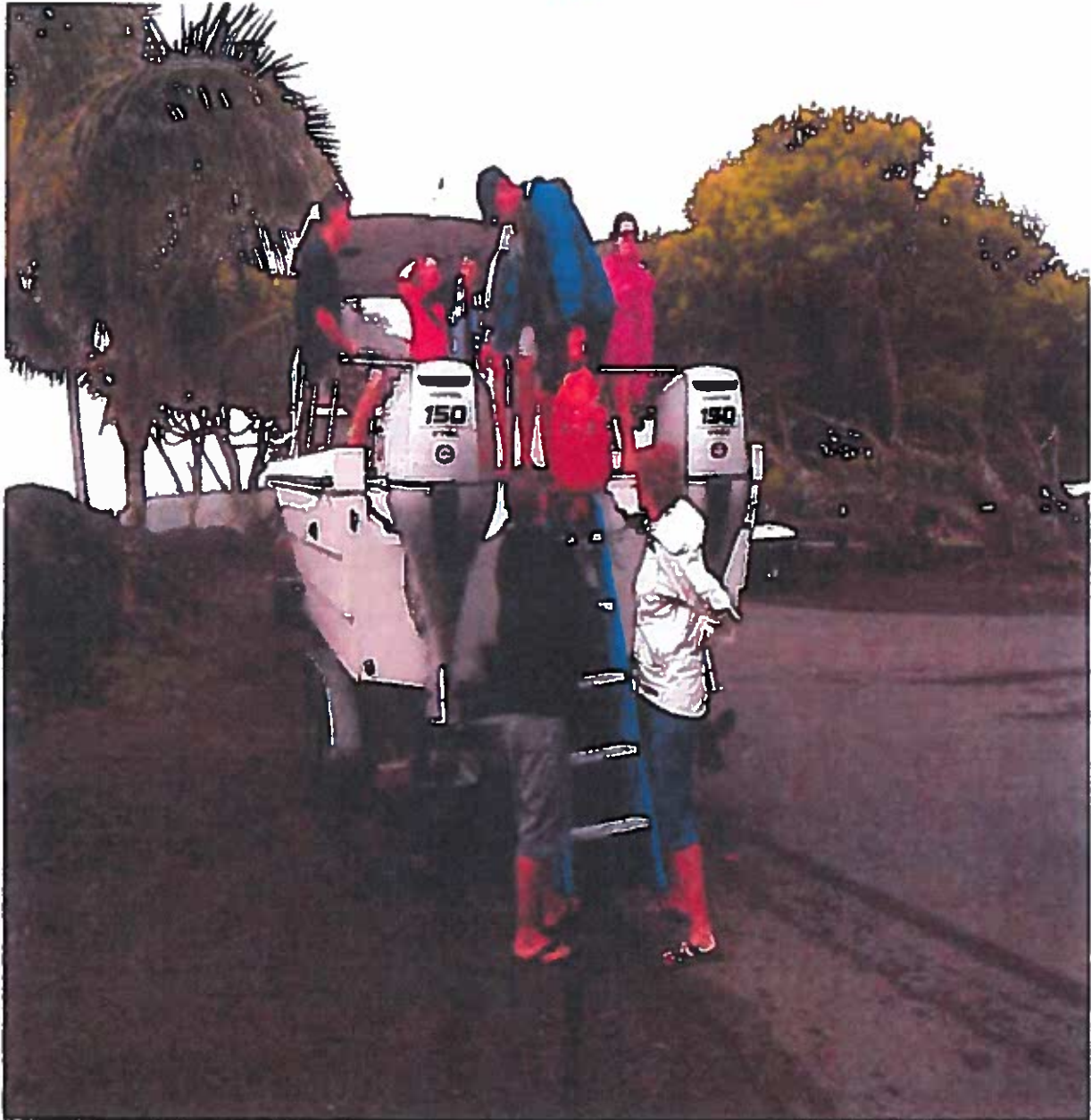
DATE/TIME REPORTED  
10/27/2016 7:50:00 AM

LOCATION  
Pohohi

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 # 17-0328-4A

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

POLIOKI BOAT RAMP 10-27-2016 0802HRS  
Location Date 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 type="checkbox"/> | <u>[Signature]</u> |
| 2. Do you want a lawyer now?                                  | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | <u>[Signature]</u> |
| 3. Are you willing to answer questions and make a statement?  | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | <u>[Signature]</u> |
| 4. Do you want a lawyer during this interview?                | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | <u>[Signature]</u> |

[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: \_\_\_\_\_

EXHIBIT 3 (P10 of 17)  
POLARE REPORT 17-0328-4A

**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.

EXHIBIT 3 (P11 OF 17)  
DOCARE REPORT 17-0328-HA

4. Copies of the Company's Articles of Organization and Operating Agreement are accessible as of September 1, 2016 on the Company's website, *hookupufishcompany.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**

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

Member

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

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 3 (P12 of 217)  
DOLARE REPORT 17-0328-HA

Nov 4, 2016 1 22 04 PM

Printed By H15DENTC from DLNR02

Received Time: 13:20:34 11-04-16 Source ORI: HI0020702  
Summary: M55L: LIC-269HZE TYP=5  
View Message Details

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

Received Time: 13:20:34 11-04-16 Source ORI: HI11C0000  
Summary: M55L: LIC-269HZE TYP=5  
View Message Details

M55L/5/269HZE  
PLATE: 269HZE STATUS: A SPEC-PLT: EMBLEM: H25749 EXPIR-DATE: 07 17  
VIN: HP002616H538HL MAKE: HONDA TYPE: BOAT YR-MODEL: COLOR:  
RO-NAME: POMROY HENRY PHON-CODE: P560R COUNTY: H  
RO-ADDRESS: 1694 KOELE STREET RO-CITY: HILO HI 96720  
LO-NO: SF-EXP: 08 17 TCI-NO:  
LO-ADDRESS: LO-CITY:  
1ST-SOLD: 00 00 00 DT-ISS: 08 29 16 TX-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 PLT-EMB: 30.50 OT-PND:  
PRI-PT: XRF-PT: VO: MO: DUP-DT: LS-UGT: 08 30 16  
ELT 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 H15DENTC from DLNR02

Received Time: 13:39:50 11-03-16 Source ORI: HIOLN0000  
Summary: ADLB: OLN-  
View Message Details

ADLB DRIVER LICENSE GENERAL ROOT INQUIRY ZADLB1M  
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 ACTIVE 3 H  
ENDORS RSTR MED-REC=

NAME POMROY, HENRY, K, 3RD  
LAST NAME POMROY SUFFIX 3RD  
FIRST NAME HENRY  
MIDDLE NAME K  
MAIL ADDRESS  
HILO, HI 96720

HOME ADDRESS  
HEIGHT WEIGHT HAIR EYES SEX  
M

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

EXHIBIT 3 (P1A of 17)  
DOCARE REPORT 17-0328-11A

Nov 4 2016 1 21:05 PM

Printed By: H15DENTC from DLNR02

Received Time: 13:19:32 11-04-16 Source ORI: HI0020702  
Summary: M55L: LIC [REDACTED] TYP-1  
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 [REDACTED] TYP-1  
View Message Details

M55L/1 [REDACTED]  
PLATE: [REDACTED] STATUS: A SPEC-PLT: EMBLEM: [REDACTED] EXPIR-DATE: 03 17  
VIN: [REDACTED] MAKE: DODG TYPE: PKUP YR-MODEL: 05 COLOR: G  
RO-NAME: POMROY HENRY PHON-CODE: P560H COUNTY: H  
RO-ADDRESS: [REDACTED] RO-CITY: HILO HI 96720  
LO-NM: SAME SF-EXP: 12 16 TCI-NO: 304HDY-16  
LO-ADDRESS: LO-CITY:  
1ST-SOLD: 03 29 05 DT-ISS: 08 29 16 TX-RT: F HVUC: TVB: BAD-CK: SP-VER: 1  
NET-WT: 06950 GVW: 000000 EXMPT: FUEL: D ODOM: 176616 ODOM-EXC: N ODOM-DSC: N  
MO-TX: 00 TAX-COLL: 0.00 PENALTY-AMT: 0.00 FLT-EMB: .00 DT-PND:  
PRI-PT: 578HDR XRF-PT: VO: N MO: N DUP-DT: LS-UDT: 08 29 16  
ELT KEY:  
F1:MPL F2:MOT F3:MCP F5:NFC 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

EXHIBIT 3 (P15 of 17)  
DOCARE REPORT 17-0328-11A

DAVID Y. IGE  
GOVERNOR OF HAWAII



BAZZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSIONER OF WATER RESOURCE MANAGEMENT

KENDRA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON  
DEPUTY DIRECTOR - WATER

EDWARD LITTLEWOOD  
ADMINISTRATOR  
DIVISION OF BOATING & OCEAN RECREATION

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 95740-2704

PHONE: (808) 327-3550 FACSIMILE: (808) 327-3553

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.

EXHIBIT 3 (P16 of 17)  
DOCARE REPORT 17-0328-11A

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

EXHIBIT 3 (P17 of 17)  
DOCARE REPORT 17-0328-HA



17-602

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

INVESTIGATION # 17-0602-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 01/09/2017 08 00AM	Location Puna	Classification SSH COMMERCIAL ACTIVITY	Connecting Reports	

Incident & Report Control Form DOCARE 5 (Rev. 8/03)

A. COMPLAINT

Taken By: Craig Dente      Reported Date/Time: 01/09/2017 08 00AM  
How Taken: On Boat

Complainant: Craig Dente  
Home      Work      Cell

Phone:  
Address:

Incident Summary: Description COMMERCIAL ACTIVITY  
Suspect HENRY POMROY  
Vehicle/Vessel HA9608H "HOOKUPLU"

Location: Puna      Occurred From: 01/09/2017 08 00AM  
Location Notes: Pohna Boat Ramp      Occurred To:

B. REPORT CONTROL

Branch: Hawaii  
District: East Hawaii  
Lead Investigator: Craig Dente  
Date Assigned: 01/09/2017 10 20AM

KONA \_\_\_\_\_ ST. PARKS \_\_\_\_\_  
HILO \_\_\_\_\_ DOBOR 1-96-11  
KAMUELA \_\_\_\_\_ PROSECUTOR \_\_\_\_\_  
HONOLULU \_\_\_\_\_ FEI \_\_\_\_\_  
AQUATICS \_\_\_\_\_  
DOFAW \_\_\_\_\_ OCCL \_\_\_\_\_  
LAND DIV \_\_\_\_\_

C. NOTES/DISPOSITION/OTHER INFO

INVESTIGATION CONTINUING

EXHIBIT 4 (P10F9)  
DOCARE REPORT 17-0602-HA

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

INVESTIGATION # 17-0602-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						7 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 Pohoihi 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 Catamar	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 808-935-8092	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		
39 REGISTERED OWNER Henry Pomroy		40 ADDRESS				41 HOME	42 WORK 808-935-8092	43 CELL		
44 NOTES										
PEOPLE	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 808-935-8092	55 CELL	
	56 NAME BIM 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 Pohoihi 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									
WRITER	79 REPORT WRITTEN BY Dente, Craig		80 BADGE No. 235	81 DATE/TIME WRITTEN 01/20/2017 05 45PM		82 SIGNATURE Weller, James		83 DATE/TIME APPROVED 1/24/17		84 BADGE No. 19
	85 DEPOSITION									

DOCARE-6

EXHIBIT 4 (P2 of 9) Page 1 of 1  
DOCARE REPORT 17-0602-HA

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 Dentis

KEY REPORT  
 Yes  No

DATE / TIME REPORTED  
1/6/2017 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: Dentis, Craig

## Report

### ASSIGNMENT

While on duty as DOCARE 637 on 01-06-2017, at approximately 0800 hrs, I was patrolling at Poholki Boat Ramp.

### SCENE

Upon entering the lower parking lot of Isaac Hale Beach Park, adjacent to Poholki 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:

[REDACTED]  
[REDACTED]  
[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. [REDACTED] stated that he booked the tour and said that he found out about the tour online at [www.hailmetours.com](http://www.hailmetours.com). I asked the [REDACTED] 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@hailmetours.com](mailto:GregNottingham@hailmetours.com), and at the ramp, they paid \$175 each in cash to Captain Skosh. [REDACTED] 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)

Dentis, 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 [REDACTED] 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

EXHIBIT 4 (P4 of 9)  
DOCARE REPORT 17-0602-HA

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 Description: Photo Log

Date/Time Taken: 01-08-2017 / Approximately 0800 hrs

Taken By: Dente, Craig

Scene: Parking Lot adjacent to Pohoiki Boat Ramp

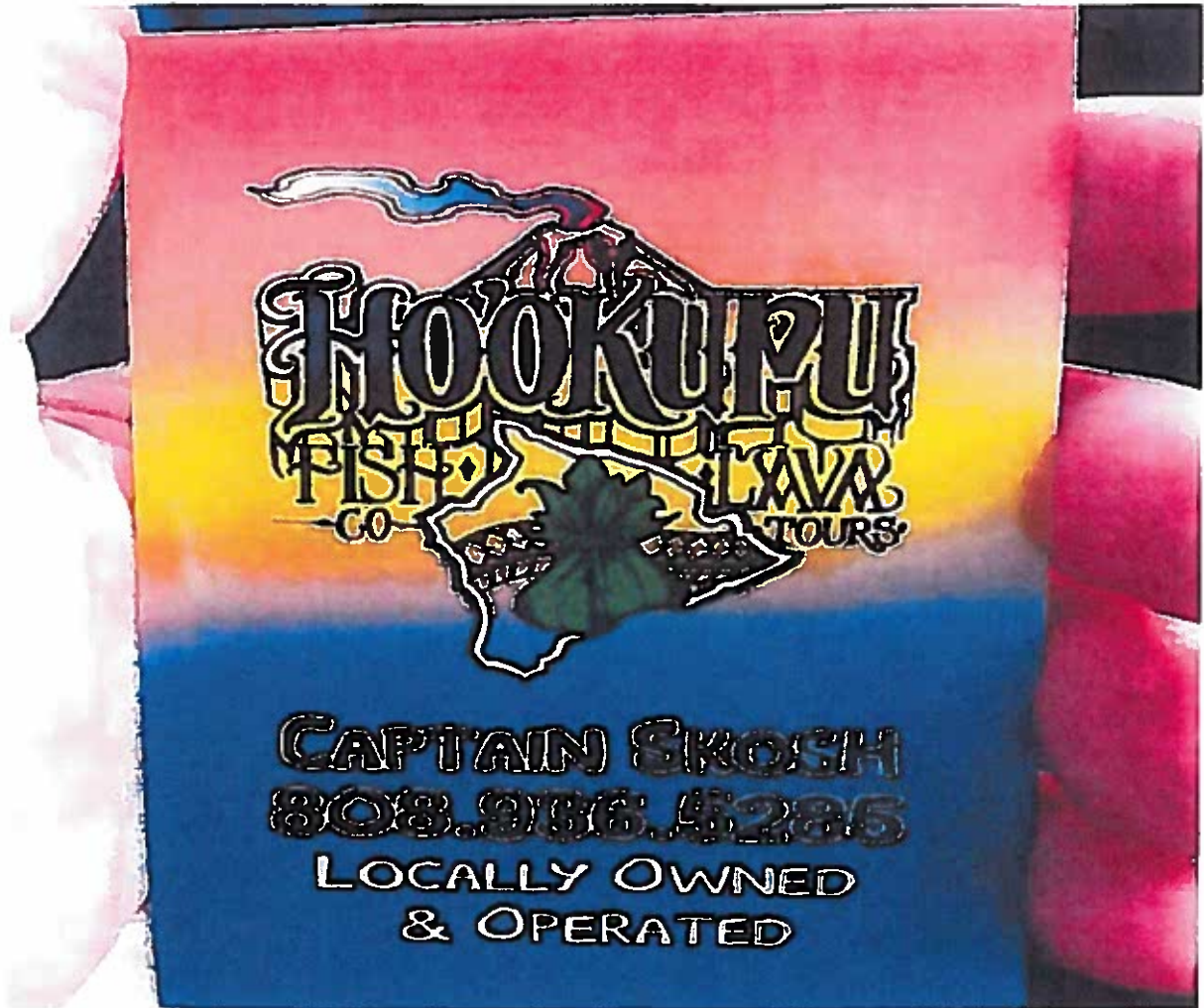
Equipment: iPhone

Weather Conditions: Clear / Sunny

Lighting: Daylight / Natural

Focus: Auto

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



Aloha &  
Welcome to...  
BIG ISLAND LAVA  
BOAT

*Lowest Prices & Best Service Anywhere!!!*

(808) 333 - 4016

1/20/2017

Big Island Lava Tours |



<http://bigislandlava.com/>

EXHIBIT 4 (P7 OF 9)  
DOCLARE REPORT 17-0602-HA<sup>38</sup>

1/20/2017

Big Island Lava Tours |

You simply won't believe your eyes! If somehow you could pay for a trip to Mars...you would get there and feel like you wasted a lot of time and money - compared to what you will see, right here on the Big Island of Hawaii!!

So don't wait another second and call us TODAY to learn more about our truly fascinating LAVA BOAT TOURS!!

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

Many Mahalos,

<http://bigislandlava.com/>

EXHIBIT 4 (PG OF 9)  
DOCARE REPORT 17-0602-HA



1/23/2017

Tell Me Tours

<http://tallmetours.com/>

EXHIBIT 4 (P9 OF 9)<sup>III</sup>  
DOCARE REPORT 17-0602-HA

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

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

### 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  
96720

\* COUNTRY  
UNITED STATES

PROVINCE

### STREET ADDRESS

SAME AS MAILING ADDRESS

\* = REQUIRED

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

EXHIBIT 5 (P1 OF 7)  
HA 9689 H REGISTRATION

2/25/2017

\* REG. # (HA-XXXX-XX) HA-9689-H HULL ID TEN25003C010 DECAL # R11318 RAMP # R39416 STATUS **INACTIVE** EXP. DATE (MM/YY) 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.	[REDACTED]	HILO	HI	96720	US

EXHIBIT 5 (P2 OF 7)  
HA9689H REGISTRATION

2/25/2017

REG. # (HA-XXXX-XX) HA-9689-H	HULL ID TEN25003C010	DECAL # R11318	RAMP # R39416	STATUS INACTIVE	EXP. DATE (MM/YY) 07/17
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PRINCIPAL OWNER CO-OWNER ~~ESTABLISHED~~ ~~RIGHTS~~ VESSEL VESSEL MISC HULL NOTES

NO LIEN HOLDER DEFINED.

EXHIBIT 5 (P3 of 7)  
HA9689H REGISTRATION

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

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

**\* VESSEL**

NAME HOOKAPU'U HOMEBUILT7	YEAR BUILT 2012	YEAR MODEL 2012	* FEET 25	* INCHES 00
---------------------------------	--------------------	--------------------	--------------	----------------

**\* ENGINE**

MANUFACTURER HONDA	SERIAL NUMBER N/A
-----------------------	----------------------

**\* TYPE OF VESSEL**

1-CABIN MOTORBOAT

**\* PRINCIPAL USE**

1-PLEASURE

**\* TYPE OF FUEL**

1-GASOLINE

**\* PROPULSION**

1-OUTBOARD

\* = REQUIRED

EXHIBIT 5 (PAGE 7)  
HA9689H REGISTRATION

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

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

**\* RADIO COMMUNICATIONS**

4-BOTH

**\* PLACE VESSEL KEPT**

1-MOORED, 2-STORED ON LAND  
STORED ON LAND

ISLAND  
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 ]

EXHIBIT 5 (PS of 1)  
HA9689H REGISTRATION

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

PRINCIPAL OWNER   CO-OWNER   LIEN HOLDER - MORTGAGEE   VESSEL   VESSEL MISC   **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

EXHIBIT 5 (PG OF 7)  
HA9689H REGISTRATION

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



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

**VESSEL NOTES**

TYPE	LAST UPDATED DATE	LAST UPDATED BY	STOLEN DATE	CONTENT
Other	10-19-2016	[REDACTED]	—	AV HWR BARS 7/19/2016 RNWL/RP/APPLICATION GIVEN
Other	08-03-2015	[REDACTED]	—	07/2/2015 HWR HILO REG/RAMP/TRANSFER
Other	02-26-2013	[REDACTED]	—	HWR 02/04/13 TRN/MOD TO CP
Other	02-26-2013	[REDACTED]	—	ALL REQUESTED DOCUMENTS RECEIVED
Other	10-12-2012	[REDACTED]	—	WINDWARD BOATS 08/02/12 REG/RAMP

**TRANSFER NOTES**

TRANSFER NUMBER	TRANSFER OWNER	BILL OF SALE DATE	INPUT DATE	INPUTTED BY
HA-9689-H	[REDACTED]	05-08-2015	09-22-2015	[REDACTED]
HA-9689-H	[REDACTED]	03-19-2014	08-03-2015	[REDACTED]
HA-1872-CP	[REDACTED]	02-25-2014	02-25-2014	[REDACTED]
HA-9689-H	[REDACTED]	02-01-2013	02-26-2013	[REDACTED]



**PRIOR VESSEL REGISTRATION NUMBER**

PRIOR HA #	DATE	USER
HA-1872-CP	Feb 25, 2014 2:53:54 PM	[REDACTED]
HA-9689-H	Feb 26, 2013 9:41:55 AM	[REDACTED]

EXHIBIT 5 (P7 OF 7)  
HA9689H REGISTRATION



**Dente, Craig P**

---

**From:** [REDACTED]  
**Sent:** Friday, February 10, 2017 5:40 PM  
**To:** [REDACTED]  
**Cc:** Dente, Craig P  
**Subject:** Fwd: CONFIRMATION RECEIPT & BOOKING NOTICE - Sunrise Lava Boat Tour on Tuesday, February 7th!!  
**Attachments:** Capt Skosch's Boat 2.JPG; 040.JPG; Lava Photo (6).JPG; Lava Photo 6.jpg; Lava Photo 5.jpg; Lava Photo 7.jpg; Lava Photo 2.jpg

This is the information I got also got a refund

----- Forwarded message -----

**From:** <[gregnottingham@tailmetours.com](mailto:gregnottingham@tailmetours.com)>

**Date:** Mon, Feb 6, 2017 at 9:01 PM

**Subject:** CONFIRMATION RECEIPT & BOOKING NOTICE - Sunrise Lava Boat Tour on Tuesday, February 7th!!

**To:** [Hemlock1594@gmail.com](mailto:Hemlock1594@gmail.com)

Aloha [REDACTED]

Thanks for your call and \$25 deposit and it was very nice speaking with you. As I mentioned, your party of 1 is now CONFIRMED for a Sunrise Lava Boat Tour on Tuesday, February 7th - that's tomorrow!!

Please note: Captain "Skosh" (@ [808-936-5285](tel:808-936-5285)) will greet you in the OCEAN-FRONT parking lot adjacent to Isaac Hale Beach Park and the Pohoiki Boat Ramp for orientation at 5:30 a.m. sharp. Please call the captain if you are going to be more than 10 minutes late. Please also remember to pay Capt. Skosh the total balance due of \$150 (\$150 x 1 persons) in cash at time of departure. Any tips, at your discretion, at the conclusion of your tour are also very much appreciated!

For your convenience, please paste the link below into your web browser address bar for a "Google Map" showing you the precise location of Isaac Hale Beach Park and the boat's location near the boat ramp - our point of departure.

<https://www.google.com/maps/dir//19.4579041,-154.8409909/@19.4580478,-154.8425774,18z/data=!4m2!4m1!3e0>

Again [REDACTED] thank you for choosing BIG ISLAND LAVA BOAT and have a wonderful time!!

If you have any questions or should you require any additional information, please do not hesitate to call me.

Thanks again and have fun!!

Greg Nottingham  
Owner & President  
[www.BIGISLANDLAVABOAT.com](http://www.BIGISLANDLAVABOAT.com)  
[www.TAILMETOURS.com](http://www.TAILMETOURS.com)  
[www.LAVAWALK.com](http://www.LAVAWALK.com)

(808) 333-4016

P.S. You can also read about us in TRAVEL AGENT MAGAZINE by clicking on the link below:

<http://www.travelagentcentral.com/hawaii-big-island/tail-me-tours-debuts-big-island-12236>



EXHIBIT 7 (P1 OF 1) HONDA BOAT

**DOCARE COMPLAINT & SUMMONS**

In the DISTRICT/FAMILY COURT

of the THIRD JUDICIAL CIRCUIT, STATE OF HAWAII

LN# 062433 Drvr Lic /SS# [REDACTED] STATE HI JUVENILE

NAME POMROY Last

HENRY K

Current/Mailing Address [REDACTED]

City, State, Zip [REDACTED]

Place of Employment School or Branch of Service SELF Job Title, Yr. in school or Military Rank ---

Parent's name if juvenile or Registered owner of vehicle/vessel: ---

Phone number (Days) [REDACTED] (Eves): SAME

Did on/or about this 7TH day of FEB Yr. 17 at about 5:45 <sup>AM</sup> ~~PM~~

did operate/command Vehicle/Vessel: HA 9689H

Vehicle/Vessel Make/Name HOOKAI Type POWER CAT 25' Color WHITE Yr. 2012

at (location): POHOIKI BOAT RAMP

and did commit the offense of: COMMERCIAL RAMP USE

WITHOUT PERMIT

SECTION: 13-231-3(a)(6) MIS DEAM OTHER

EVIDENCE TAKEN: Yes  No  DESCRIPTION OF EVIDENCE ---

Receipt of this citation is acknowledged (Your signature is not an admission of guilt)

X REFUSED TO SIGN

The undersigned alleges that the person named above committed the offense herein set forth, contrary to law

Date of issue 2-7-2017 Time 0625 Hrs.

C. DENTE

Print Rank, First Initial, Last Name [REDACTED] 236

Confidentiality Signature [REDACTED] Badge/ID No. 236

Bail Forfeiture by Mail Permitted:  Yes  No

**A** Postmarked BEFORE court date Payment Amount COURT **B** Postmarked ON court date Payment Amount COURT

**SUMMONS**

Your court appearance date is:

DATE MARCH 17TH 2017 TIME 8:50 AM COURTROOM 2B

District Court  Family Court of PUNA HELD IN S. HILO

**COURT**

OFFICER'S REPORT

OBSERVED SUSPECT AT POHOIKI  
BOAT RAMP, ENGAGED IN  
COMMERCIAL CHARTER OPERATIONS.  
SUSPECT NOT IN POSSESSION OF  
A COMMERCIAL USE PERMIT  
FOR POHOIKI. CITATION ISSUED.  
REFER TO REPORT 17-0735-HA  
FOR MORE DETAILS.

The undersigned alleges that the person named herein committed the offense set forth, contrary to law.

G. DENTE, CREW III  
Complainant's Signature

236  
Badge Number

Subscribed and sworn before me on

2-26-17

Signed

STATE OF HAWAII, Land and Natural Resources



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

<b>INVESTIGATION #</b> 17-0738-HA	<b>District</b> Puna	<b>Lead Investigator</b> Dente, Craig	<b>Report Status</b> In Progress	<b>Key Report</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Date/Time Reported</b> 02/07/2017 05:45AM	<b>Location</b> Pohokū	<b>Classification</b> SBH: COMMERCIAL RAMP USE		<b>Connecting Reports</b> 17-0735-41A

**Incident & Report Control Form** DOCARE-S (Rev. 6/03)

**A. COMPLAINT**

**Taken By:** Craig Dente **Reported Date/Time:** 02/07/2017 05:45AM  
**How Taken:** On Beat

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

**Phone:**  
**Address:**

**Incident Summary:** Description COMMERCIAL RAMP USE  
 Suspect: FUJIMOTO, Bill A G  
 Vehicle/Vessel: HA5589H

**Location:** Pohokū **Occurred From:** 02/07/2017 05:45AM  
**Location Notes:** Pohokū Boat Ramp **Occurred To:**

**B. REPORT CONTROL**

**Branch:** Hawaii  
**District:** Puna  
**Lead Investigator:** Craig Dente  
**Date Assigned:** 02/11/2017 11:54AM

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

CLOSED - CITATION ISSUED (082434 LNR)

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

INVESTIGATION # 17-0736-HA	District Puna	Lead Investigator Dente, Craig	Report Status In Progress	Key Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date/Time Reported 02/07/2017 05:45AM	Location Poholki	Classification SBH COMMERCIAL RAMP USE	Connecting Reports 17-0735-HA	

Investigation Report

BASIC	1 CLASSIFICATION SBH COMMERCIAL RAMP USE						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 Poholki Boat Ramp						15 DATE/TIME OCCURRED 02/07/2017 05:45AM		16 DATE/TIME REPORTED 02/07/2017 05:45AM	

VEHICLES	17 TYPE Boat	18 YEAR 2012	19 MAKE Fiberglass Catamar	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 808-935-8092	29 CELL	
	30 NOTES								
	31 TYPE Truck	32 YEAR 2005	33 MAKE Dodge	34 MODEL PKUP	35 COLOR Gray	36 LICENSE / HA No.	37 LENGTH -	38 STOLEN No	

39 REGISTERED OWNER Henry Pomroy		40 ADDRESS			41 HOME	42 WORK 808-935-8092	43 CELL	
44 NOTES								

PEOPLE	45 NAME Bill FUJIMOTO			46 SEX Male	47 RACE Japanese	48 AGE	49 BIRTH DATE	50 OCCUPATION	
	51 CATEGORY Suspect		52 ADDRESS			53 HOME	54 WORK	55 CELL	
	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		

SYNOPSIS	78 SYNOPSIS Observed suspect at Poholki Boat Ramp, engaged in commercial charter operations, offering lava boat tours for cash payment. Suspect was not in possession of a commercial use permit for Poholki. Suspect is the Co-Owner of boat HA9689H, and was driving the truck [REDACTED] with boat trailer [REDACTED] attached, with 7 paying passengers loaded inside of the boat. Suspect was responsible for the launch and recovery of boat HA9689H portion of the passengers-for-hire commercial operation at Poholki Boat Ramp, on the morning of 02-07-2017.								
	See connecting master report 17-0735-HA for more details.								
	CLOSED - CITATION 062434 LNR issued.								

WRITER	79 REPORT WRITTEN BY Dente, Craig	80 BADGE No. 236	81 DATE/TIME WRITTEN 02/11/2017 12:16PM	82 SUPERVISOR APPROVING Waller, James	83 DATE/TIME APPROVED 2-26-17	84 BADGE No. 19
	85 DISPOSITION					



Feb 11, 2017 12:45:17 PM

Printed By: H15DENTC from: DLNR02

Received Time: 12:43:38 02-11-17 Source ORI: HI0020702  
 Summary: ADLB: OLN- [REDACTED]  
 View Message Details

DLNR02 00006 AT 12:43 02/11/2017  
 RX01ADLB  
 MRI-832469

Received Time: 12:43:38 02-11-17 Source ORI: HI01N0000  
 Summary: ADLB: OLN- [REDACTED]  
 View Message Details

ADLB DRIVER LICENSE GENERAL ROOT INQUIRY ZADLB1M  
 PF KEY DATE 02/11/17 12:44 TERM RY01  
 P/L/U/T LICENSE SSN LIC STATUS BIRTHDATE CLASS CDL CTY LIC EXPIRES  
 L [REDACTED] [REDACTED] ACTIVE [REDACTED] 3 H [REDACTED]  
 ENDORS RSTR B MED-REC=

NAME FUJIMOTO,BILL,A G  
 LAST NAME FUJIMOTO SUFFIX  
 FIRST NAME BILL  
 MIDDLE NAME A G

MAIL ADDRESS [REDACTED]  
 HILO, HI 96720

HOME ADDRESS  
 HEIGHT WEIGHT HAIR EYES SEX  
 [REDACTED] [REDACTED] [REDACTED] [REDACTED] M

ISSUE DATE CARD DATE  
 10/13/2009 10/13/2009

PF3:NAME INQUIRY PF21:NEXT SSN 22:HELP  
 0613 INQUIRY HAS SUCCESSFULLY COMPLETED

MRI 832470 IN: RX01ADLB 128 AT 11FEB2017 12:43:38  
 OUT: DLNR02 4 AT 11FEB2017 12:43:38

**DOCARE COMPLAINT & SUMMONS**

In the DISTRICT/FAMILY COURT

of the THIRD JUDICIAL CIRCUIT, STATE OF HAWAII

062434 LNR

Drvr Lic /SS# [REDACTED] STATE H.I. JUVENILE

NAME FUJIMOTO

BILL AG

Current/Mailing Address [REDACTED]

City, State, Zip [REDACTED]

Place of Employment School or Branch of Service SELF

Parent's name if juvenile or Registered owner of vehicle [REDACTED]

Phone number (Days) [REDACTED] (Eves) SAME

Did on/about this 7th day of FEB Yr. 17 at about 5:45 PM

did operate/command Vehicle/Vessel HA968914

Vehicle/Vessel Make/Name HOOKUP Type POWER Color WHT Yr. 2017

at (location) POHOIKI BOAT RAMP

and did commit the offense of: COMMERCIAL RAMP USE

WITHOUT PERMIT

SECTION: 13-231-3(a)(6)

EVIDENCE TAKEN Yes  No  DESCRIPTION OF EVIDENCE

Receipt of this citation is acknowledged (Your signature is not an admission of guilt)

X [Signature]

The undersigned alleges that the person named above committed the offense herein set forth, contrary to law.

Date of issue 2-7-2017 Time 06 25 Hrs.

Print Rank, First Initial & Last Name C. DENTE

Signature [Signature] Badge/ID No. 236

Bail Forfeiture by Mail Permitted:  Yes  No

**A** Postmarked BEFORE court date Payment Amount COURT **B** Postmarked ON court date Payment Amount COURT

**SUMMONS**

Your court appearance date is

DATE MARCH 17th, 2017 TIME 8:30 AM COURTROOM 2B

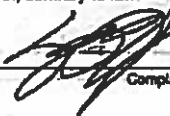
District Court  Family Court of PUNA HELD IN S. HILO

**COURT**

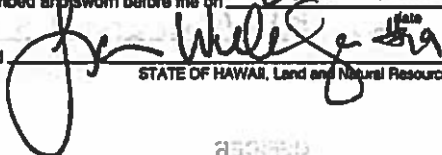
OFFICER'S REPORT

OBSERVED SUSPECT AT POHOIKI  
BOAT RAMP, ENGAGED IN  
COMMERCIAL CHARTER OPERATIONS.  
SUSPECT NOT IN POSSESSION OF  
A COMMERCIAL USE PERMIT  
FOR POHOIKI. CITATION ISSUED.  
REFER TO REPORT 17-0736-HA  
FOR MORE DETAILS.

The undersigned alleges that the person named herein committed the offense set forth, contrary to law.

 G. DENITE, CROONI 736  
Complainant's Signature Badge Number

Subscribed and sworn before me on 2-26-17

Signed  STATE OF HAWAII, Land and Natural Resources

RECORDED



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

INVESTIGATION # 17-0939-HA	District Puna	Lead Investigator Dente, Craig	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Time Reported 03/21/2017 08 00AM	Location Pohokai	Classification SBH COMMERCIAL OPERATIONS		Connecting Reports

**Incident & Report Control Form** DOCARE-5 (Rev. 8/23)

**A. COMPLAINT**

Taken By: Craig Dente Reported Date/Time: 03/21/2017 08 00AM  
 How Taken: On Boat

Complainant: Craig Dente  
 Home  Work  Cell

Phone:

Address:

Incident Summary: Description COMMERCIAL OPERATIONS  
 Suspect: Henry POMROY, Bill FUJIMOTO, Steven STRAUSS, HOOKUPU FISH COMPANY

Vehicle/Vessel: HOOKUPU HA9689H

Location: Pohokai Occurred From: 03/20/2017 05 00AM  
 Location Notes: Pohokai Boat Ramp Occurred To:

**B. REPORT CONTROL**

Branch: Hawaii  
 District: Puna  
 Lead Investigator: Craig Dente  
 Date Assigned: 03/21/2017 12 27PM

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

CLOSED - RECORD ONLY

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

INVESTIGATION # 17-0939-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 03/20/2017 05 00AM	Location Pohokii	Classification SBH COMMERCIAL OPERATIONS	Connecting Reports	

Investigation Report

BASIC	1 CLASSIFICATION SBH COMMERCIAL OPERATIONS						2 SOURCE On Beat			
	3 COMPLAINANT'S NAME Anonymous			4 SEX	5 RACE	6 AGE	7 BIRTH DATE	8 OCCUPATION		
	9 ADDRESS UNKNOWN, HI			10 PLACE EMPLOYED/SCHOOL ATTENDING			11 HOME	12 WORK	13 CELL 808-425-0985	
	14 LOCATION OF INCIDENT/INTERSECTING STREET Pohokii Boat Ramp					15 DATE/TIME OCCURRED 03/20/2017 05 00AM		16 DATE/TIME REPORTED 03/20/2017 05 00AM		

VEHICLES	17 TYPE Boat	18 YEAR 2012	19 MAKE Fiberglass Catamar	20 MODEL Yardbull	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 808-935-8092	29 CELL	
	30 NOTES								
	31 TYPE	32 YEAR	33 MAKE	34 MODEL	35 COLOR	36 LICENSE / HA No.	37 LENGTH	38 STOLEN	
39 REGISTERED OWNER			40 ADDRESS			41 HOME	42 WORK	43 CELL	
44 NOTES									

PEOPLE	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 808-935-8092	55 CELL		
	56 NAME Bill FUJIMOTO			57 SEX Male	58 RACE Japanese	59 AGE	60 BIRTH DATE	61 OCCUPATION		
	62 CATEGORY Suspect		63 ADDRESS			64 HOME	65 WORK	66 CELL		
67 NAME Steven STRAUSS			68 SEX Male	69 RACE	70 AGE	71 BIRTH DATE	72 OCCUPATION			
73 CATEGORY Suspect		74 ADDRESS			75 HOME	76 WORK	77 CELL			

78 SYNOPSIS

On 03-20-2017 at approximately 0745hrs, I received a complaint from a reliable source who wishes to remain anonymous alleging that Henry POMROY and Bill FUJIMOTO launched the HOOKUPU HA9689H, taking what appeared to be tourists for two different boat tours to the lava flow off Kalapana that morning. I contacted Chief Warrant Officer [redacted] of the U.S. Coast Guard in Honolulu to advise him of the report. CWO [redacted] stated that if the HOOKUPU Fish Company (POMROY, FUJIMOTO, and STRAUSS) was running tours without a licensed master onboard again, it would be a violation of U.S. Coast Guard Captain of the Port Honolulu Order number 2017-10, a possible Class-D Federal Felony.

On 03-21-2017, at approximately 0445 hrs, I arrived at Pohokii accompanied by Officer J. WELLER of DOCARE. We met with a three person U.S. Coast Guard Boarding Team and waited in the area. At approximately 0730 hrs, I observed Henry POMROY and Bill FUJIMOTO arrive at Pohokii with the HOOKUPU. I witnessed the HOOKUPU wait at the pier for approximately 20 minutes, then depart to sea without any tourists onboard. I believe that POMROY may have been alerted to our presence, as he seemed to have departed somewhat hastily.

Shortly thereafter, I talked with [redacted] who was nearby. [redacted] stated that he also witnessed POMROY run two boat tours with several tourists onboard HOOKUPU on the morning of 03-20-2017, between the hours of 0500 and 0900. [redacted] also stated to me that POMROY told him on the morning of 03-20-2017 that he (POMROY) intended to resume running regular tours onboard the HOOKUPU. [redacted] stated to me that he would be willing to testify about what he witnessed.

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

WRITER	79 REPORT WRITTEN BY Dente, Craig	80 BADGE No. 236	81 DATE/TIME WRITTEN 03/21/2017 01:57PM	82 SUPERVISOR / APPROVING Weller, James	83 DATE/TIME APPROVED 3/21/17	84 BADGE No. 19
	85 DISPOSITION					

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
United States Coast Guard  
Sector Honolulu

400 Sand Island Parkway  
Honolulu, Hawaii 96819  
Phone (808) 842-2806  
Fax (808) 842-2624  
Email scchonolulu@uscg.mil

16600/2017-10  
HOOKUPU

Henry K Pomroy, Owner  
M/V HOOKUPU



William Akira Gushiken Fujimoto, Co-Owner  
M/V HOOKUPU



Steve Strauss  
M/V HOOKUPU



#### **CAPTAIN OF THE PORT ORDER 17-10**

By the authority of the Ports and Waterways Safety Act, 33 U.S.C. 1221 et. seq., and by Title 33, Code of Federal Regulations, Part 160, vested in me as the Captain of the Port, I hereby issue this order to your vessel to ensure the safety of the vessels and waterfront facilities and the protection of the navigable waters and the resources therein. My staff is available to work with you to explain the applicable regulations that apply to your operation.

You are hereby ordered to:

1. Immediately cease operations of your documented Recreational Vessel as a Passenger Vessel, including the carriage of any passengers for hire as defined by Title 46 U.S.C. 2101, at any time, while underway or pier side. This order shall remain until such time as it can be shown to the satisfaction of the Coast Guard that the aforementioned vessel is being operated by an individual holding the appropriate license and the vessel is in compliance with all applicable federal laws and regulations.

#### **PENALTY FOR VIOLATING THIS ORDER**

SECTION 1232 of Title 33 U.S. Code provides the penalties for violation of this order. The statute, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990 and Coast Guard regulations, authorizes a maximum civil penalty in the amount of \$40,000 for each violation. The statute further states that:

"Any vessel subject to the provisions of this chapter, which is used in violation of this chapter, or any regulations issued hereunder, shall be liable in rem for any civil penalty assessed . . . and may be proceeded against in the United States district court for any district in which such vessel may be found." A willful and knowing violation of this order may also result in a class D felony criminal charge. A class D felony is punishable by a fine of up to \$250,000 or more and or confinement from five to ten years.

**APPEAL OF THIS ORDER**

Should you be aggrieved by this order, you may appeal under the procedures described in Title 33, Code of Federal Regulations, Section 160.7, appeal orally or in writing to the official who issued this order or in whose name it was issued. Should you be further aggrieved, appeal orally or in writing through this office to the Commander, Fourteenth Coast Guard District. However, if the appeal is made orally, a written submission is required within five days of the oral presentation.


**COAST GUARD POINT OF CONTACT FOR THIS ORDER**

All questions pertaining to this order may be directed to my Command Duty Officer at (808) 842-2603

**TERMINATION OF THIS ORDER**

This order will remain in effect until rescinded by me in writing. My Command Duty Officer will inform you when I have issued the rescission order.

Sincerely,

  
MICHAEL C. LONG  
Captain, U.S. Coast Guard  
Captain of the Port Honolulu

Received by \_\_\_\_\_ Position \_\_\_\_\_

Date 25 Feb 2017 Time 0940

Copy 1 U.S. Coast Guard, District Fourteen Command Center  
2 Hawaii Department of Land and Natural Resources

Presented By:  LT, George Shepherd

Witnessed By:  Cnl, ANGELO MELITA

Presented to Mr. Pomroy at the below address. Explained the COTP order to Mr. Pomroy, but he refused to sign until he spoke to his attorney. He tried to call Mr. Strauss, and he left a voice for him. Mr. Pomroy stated that Mr. Strauss was in Oahu yesterday for a hearing with the state of Hawaii. Two DLNR officers were present and took photos.

