

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

May 12, 2017

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

Hawai'i

**Administrative Enforcement Action for:**

- 1. Violation of Hawaii Administrative Rules, Section 13-231-51: Business Activities, Against Mr. Shane Turpin dba Kohala Tours, Mr. Sky K. Mullins, and Mr. William L. Gifford for Engaging in Illegal Commercial Operations from the Pohoiki Boat Ramp, Hawaii Island, and Lands Adjacent Thereto Without a Commercial Use Permit; and**
- 2. Request for authorization to hold a contested case hearing and for the Chairperson to select a Hearing Officer.**

**SUMMARY:**

This submittal requests that the Board of Land and Natural Resources (the "Board") find that Mr. Shane Turpin dba Kohala Tours, Mr. Sky K. Mullins, and Mr. William L. Gifford engaged in commercial activity from a State boating facility (Pohoiki Boat Launching Ramp, Hawai'i Island) without a required commercial use ramp permit in violation of Hawaii Administrative Rules (HAR) § 13-231-51 Business activities: No person shall engage in any business or commercial activity at any small boat harbor or other small boat facility without: (1) Prior written approval of the department; or (2) The proper execution of an agreement with the department.

Division of Boating and Ocean Recreation (DOBOR) staff anticipates a request from the alleged violators for a contested case hearing as to this submittal. The alleged violators 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 if a request is made.

DOBOR hereby alleges the following violations of HAR provisions by the following individuals:

Against:	<b>Mr. Shane Turpin dba Kohala Tours</b>
Dates of Incidents:	February 3 - 7, 2017
Location of Incidents:	Pohoiki Boat Launching Ramp, Hawaii

**Item J-1**



**Violation:** Eight (8) counts of engaging in illegal commercial activity in violation of HAR § 13-231-51: Business Activities.  
Maximum penalty - \$5,000 per violation.

**Recommended Penalty:** Forty thousand dollar (\$40,000.00) fine pursuant to Hawaii Revised Statutes (HRS) § 200-14.5(c).

**Against:** **Mr. Sky K. Mullins**

**Date of Incident:** February 3, 4, 5, and 7, 2017

**Location of Incident:** Pohoiki Boat Launching Ramp, Hawaii

**Violation:** Seven (7) counts of engaging in illegal commercial activity in violation of HAR § 13-231-51: Business Activities.  
Maximum penalty - \$5,000 per violation.

**Recommended Penalty:** Thirty-five thousand dollar (\$35,000.00) fine pursuant to HRS § 200-14.5(c).

**Against:** **Mr. William L. Gifford**

**Date of Incident:** February 6, 2017

**Location of Incident:** Pohoiki Boat Launching Ramp, Hawaii

**Violation:** One (1) count of engaging in illegal commercial activity in violation of HAR § 13-231-51: Business Activities.  
Maximum penalty - \$5,000 per violation.

**Recommended Penalty:** Five thousand dollar (\$5,000.00) fine pursuant to HRS § 200-14.5(c).

**DISCUSSION:**

Lava Ocean Tours, Inc., (“LOTI”) a domestic profit corporation registered with the State of Hawai‘i, currently holds one of the four available commercial use ramp permits issued by DOBOR for the State Boat Launching Ramp located at Pohoiki, Hawai‘i Island (the “Pohoiki Boat Launching Ramp”). A copy of the commercial use ramp permit is attached as **Exhibit 1**.

The permit is effective from June 1, 2016, through May 31, 2017. At the relevant times, the permit authorized LOTI to operate a vessel called LAVAONE, United States Coast Guard Documentation Number 1249157. The LAVAONE is not the subject of any of the alleged violations herein and has been in compliance at all times.

A commercial use ramp permit allows the permit holder to launch the vessel named in the permit, to be used in the course of doing business, from a State boat launching ramp. Permit holders may not use the boat launching ramp to launch other vessels not named in the permit. Generally, permit holders can launch the vessel named in the permit from any State boat launching ramp located on the island where their launching ramp permit is



valid.<sup>1</sup> However, permit holders are restricted from using certain boat launching ramps without a specifically applicable ramp permit, and the Pohoiki Boat Launching Ramp is subject to such restrictions.<sup>2</sup> Therefore, Pohoiki Boat Launching Ramp permit holders are allowed to launch only from the Pohoiki Boat Launching Ramp, and anyone without a Pohoiki Boat Launching Ramp permit is prohibited from launching from the Pohoiki Boat Launching Ramp.

Mr. Shane Turpin is the sole officer of LOTI (*see Exhibit 3*). In addition to his affiliation with LOTI, Mr. Turpin individually owns a different vessel called the LAVAKAI II (*see Exhibit 2*).<sup>3</sup>

Despite not having a valid commercial use ramp permit, Mr. Turpin, Mr. Mullins, and Mr. Gifford repeatedly launched the LAVAKAI II from the Pohoiki Boat Launching Ramp. These activities constitute a violation of HAR § 13-231-51. Although Mr. Mullins and Mr. Gifford do not hold an ownership interest in the LAVAKAI II, they are being named in this enforcement action because they were operating the LAVAKAI II as captains of the vessel during the times specified below. Mr. Mullins was positively identified by his driver's license (*see Exhibit 4*). Mr. Gifford was positively identified by his driver's license (*see Exhibit 4*).

Illegal commercial activities committed by Mr. Turpin, Mr. Mullins, and Mr. Gifford from the Pohoiki Boat Launching Ramp and ocean waters have been observed by witnesses on multiple occasions between the dates of February 3 - 7, 2017, and by Division of Conservation and Resources Enforcement (DOCARE) officers on one occasion on February 7, 2017. Witness statements as well as photographic evidence of the unlawful activity were obtained and are contained in the DOCARE investigation reports attached hereto as **Exhibit 4**.

It is important to note that during the times the LAVAKAI II was being operated without a permit, LOTI was also operating the LAVAONE. Therefore, an EXTRA unpermitted vessel was operating at the harbor.

#### FACTUAL BACKGROUND:

The following timeline is presented to summarize the incidents that took place between February 3 - 7, 2017, pertaining to the alleged violations of HAR § 13-231-51.

---

<sup>1</sup> See HAR § 13-231-67(c).

<sup>2</sup> See HAR §§ 13-231-67(c), 13-231-67(d)(20).

<sup>3</sup> **Exhibit 2** shows the owner as "Shane Turpin dba Kohala Tours."



June 1, 2016: An annual commercial use ramp permit expiring May 31, 2017 is issued to LOTI for use by the vessel LAVAONE. The commercial use ramp permit allows only the LAVAONE to engage in commercial operations from the Pohoiki Boat Launching Ramp, a State boating facility. **Exhibit 1.**

February 3, 2017: Mr. Mullins is witnessed launching and operating the LAVAKAI II from the Pohoiki Boat Launching Ramp, carrying passengers for hire, without a valid commercial use ramp permit. One witness stated that the LAVAKAI II ran at least one morning and one evening tour on this date. There is no valid commercial use ramp permit applicable to the LAVAKAI II for the Pohoiki Boat Launching Ramp. These are the first and second violations of HAR § 13-231-51 for both Mr. Mullins and Mr. Turpin dba Kohala Tours.

February 4, 2017: At approximately 04:45 a.m., Mr. Turpin submitted a “Request for Vessel Change” to reassign the existing commercial use ramp permit for the Pohoiki Boat Launching Ramp from the LAVAONE to the LAVAKAI II. Mr. Turpin submitted the “Request for Vessel Change” via email to William Nahale, DOBOR Harbor Agent III. Email correspondence between Mr. Turpin and Mr. Nahale is attached hereto as **Exhibit 5.**

February 4, 2017: Mr. Mullins is witnessed launching and operating the LAVAKAI II from the Pohoiki Boat Launching Ramp carrying passengers for hire without a valid commercial use ramp permit. One witness stated that the LAVAKAI II ran at least one morning and one evening tour on this date. At this point, LOTI’s commercial use ramp permit still only allowed the LAVAONE to launch from the Pohoiki Boat Launching Ramp, and the “Request for Vessel Change” had not been reviewed or approved by DOBOR. These are the third and fourth violations of HAR § 13-231-51 for both Mr. Mullins and Mr. Turpin dba Kohala Tours.

February 5, 2017: Mr. Mullins is witnessed launching and operating the LAVAKAI II from the Pohoiki Boat Launching Ramp carrying passengers for hire without a valid commercial use ramp permit. One witness stated that the LAVAKAI II ran at least one morning and one evening tour on this date. These are the fifth and sixth violations of HAR § 13-231-51 for both Mr. Mullins and Mr. Turpin dba Kohala Tours.

February 6, 2017: A DOCARE officer was assigned to investigate a report by the Hawai’i County Fire Department of a boat on the rocks at the Pohoiki Boat Ramp. Upon investigating the report, it was determined from witness accounts and U.S. Coast Guard reports that at approximately 5:15 a.m., Mr. Gifford, operating the LAVAKAI II while carrying twenty-six (26) passengers for hire, ran the LAVAKAI II aground during high winds after attempting to launch from the Pohoiki Boat Launching Ramp without a valid commercial use ramp permit. This is the first violation of HAR § 13-231-51 for Mr. Gifford and the seventh violation of HAR § 13-231-51 for Mr. Turpin dba Kohala Tours.

February 7, 2017: At approximately 7:55 a.m., Mr. Mullins is witnessed by DOCARE officers operating the LAVAKAI II from the Pohoiki Boat Launching Ramp carrying





passengers for hire without a valid commercial use ramp permit. This is the seventh violation of HAR § 13-231-51 for Mr. Mullins and the eighth violation of HAR § 13-231-51 for Mr. Turpin dba Kohala Tours.

February 7, 2017: At approximately 1:03 p.m., the “Request for Vessel Change” is approved, and the commercial use ramp permit is reassigned from the LAVAONE to the LAVAKAI II. The LAVAONE no longer holds a commercial use ramp permit, and the LAVAONE is no longer authorized to conduct commercial activity from the Pohoiki Boat Launching Ramp.

### REGULATORY AUTHORITY FOR ENFORCEMENT:

#### *I. Applicable Hawaii Administrative Rules*

##### *A. Rule Violated:*

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

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

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

##### *B. Relevant Definitions:*

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

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

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

HAR § 13-231-54 defines “Commercial vessel” as “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.

*C. 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 (Subsections 1-5, 7, and 8 omitted).

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

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

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

*II. Administrative fines and penalties authorized for violations of HAR § 13-231-51*

*A. Fines*

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

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



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

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

*B. Penalties*

HAR § 13-231-6 Revocation of use permit: “(a) If after notice and lapse of a reasonable period of time set by the department, the permittee fails to remedy any breach of the duties, covenants or conditions of the use permit or to desist from violating or permitting violation of these rules, the department may revoke the permittee’s use permit.”

APPLICATION OF LAW AND RECOMMENDED PENALTY:

- A. Mr. Turpin’s, Mr. Mullins’s, and Mr. Gifford’s actions fall under HAR definitions and are therefore subject to administrative action.*

Based on the definitions in DOBOR administrative rules, the owner and operators of the LAVAKAI II were clearly engaged in “commercial activity” when loading and unloading passengers multiple times at the Pohoiki Boat Launching Ramp without a valid commercial use permit. Additionally, witness statements taken by DOCARE officers in **Exhibit 4** further establish that the operators were unlawfully operating a vessel in a commercial capacity without a permit.

- B. Mr. Turpin, Mr. Mullins, and Mr. Gifford did not comply with HAR requirements and restrictions.*

At the time of the alleged violations, Mr. Turpin did not receive prior written approval from DOBOR nor did he execute an agreement with DOBOR to operate the LAVAKAI II commercially from the Pohoiki Boat Launching Ramp. The LAVAKAI II was witnessed carrying passengers for hire without a valid commercial use permit at the Pohoiki Boat Launching Ramp by DOCARE staff and other commercial operators on multiple occasions in violation of HAR § 13-231-51.

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. Mr. Turpin, Mr. Mullins, and Mr. Gifford had full knowledge of the requirements of obtaining a commercial permit to utilize the LAVAKAI II from the Pohoiki Boat Launching Ramp in the course of doing business and yet decided to conduct commercial activities in violation of these requirements on multiple occasions.

*C. 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, the LAVAKAI II was observed on eight separate occasions conducting unauthorized commercial activity at the Pohoiki Boat Launching Ramp in violation of HAR § 13-231-51. Mr. Mullins was observed operating the LAVAKAI II seven times and Mr. Gifford was observed operating the LAVAKAI II once when engaged in unauthorized commercial activity at the Pohoiki Boat Launching Ramp in violation of HAR § 13-231-51.

Because Mr. Turpin, Mr. Mullins, and Mr. Gifford 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 for each violator, pursuant to HRS § 200-14.5(c). Therefore, the maximum fine for Mr. Turpin’s eight violations is forty thousand dollars (\$40,000.00), the maximum fine for Mr. Mullins’s seven violations is thirty-five thousand dollars (\$35,000.00), and the maximum fine for Mr. Gifford’s single violation is five thousand dollars (\$5,000.00), as authorized by HRS § 200-14.5(c). DOBOR staff recommends that the Board levy the maximum fines upon Mr. Turpin, Mr. Mullins, and Mr. Gifford.

There are no mitigating factors that DOBOR staff believes would justify a lesser fine than the maximum fine for the violations. Mr. Turpin, Mr. Mullins, and Mr. Gifford had full notice of the applicable regulations and chose to violate them in multiple instances. DOBOR staff 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 the Department. In order to send a strong message and curb present and future violations of the rules, DOBOR recommends that the Board issue the maximum penalties authorized by HRS § 200-14.5(c) to Mr. Turpin, Mr. Mullins, and Mr. Gifford.

Mr. Turpin indicated that he intends to request a contested case hearing regarding any penalties imposed as a result of this enforcement action and is entitled to such a hearing. In the interest of efficiency, if Mr. Turpin requests a contested case hearing in this matter, DOBOR staff recommends that the Board also authorize the Chairperson to select and appoint a Hearing Officer for Mr. Turpin’s contested case hearing.

**RECOMMENDATIONS:**

DOBOR respectfully requests that the Board:





1. Find that Mr. Shane Turpin, Mr. Sky K. Mullins, and Mr. William L. Gifford, committed administrative violations of HAR § 13-231-51.
2. Impose a forty thousand dollar (\$40,000.00) fine on Mr. Turpin, a thirty-five thousand dollar (\$35,000.00) fine on Mr. Mullins, and a five thousand dollar (\$5,000.00) fine on Mr. Gifford, in accordance with HRS § 200-14.5(c) for violation of HAR § 13-231-51.
3. Impose an additional fine for administrative fees and costs, including attorneys' fees and costs.
4. Give Mr. Turpin, Mr. Mullins, and Mr. Gifford notice that any future violations of the Department's rules regarding commercial operation occurring within 5 years of the violations herein shall result in revocation of Mr. Turpin's commercial use launch ramp permit for Pohoiki Boat Launching Ramp, Hawai'i Island, pursuant to HAR § 13-231-6(a).
5. Approve contested case hearing requests resulting from this action and authorize the Chairperson to select and appoint Hearing Officers for such contested case hearings.

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





**DIVISION OF BOATING AND OCEAN RECREATION**

Department of Land and Natural Resources, State of Hawaii

Wailoa Small Boat Harbor

75 Aupuni Street, Room #210, Hilo, HI 96720

Phone: (808) 933-0414 • Fax: (808) 933-0415



Permit Number:

Account Number:

# COMMERCIAL USE

## Pohoiki, Hawaii

Permitee: Lava Ocean Tours, Inc.

Effective Date:

Business Name: Lava Ocean Tours, Inc.

Permit Expiration Date:

Vessel Name: LAVAONE

Vessel Doc Type: Coast Guard Documentation

Vessel Doc #: 1249157

Vessel Type: Open Motorboat

Vessel Use Type: Commercial Passenger

Vessel Length Overall: 40 feet 0 inches

Passenger Capacity: 49

**APPROVED:**  
**STATE OF HAWAII**  
**DEPARTMENT OF LAND & NATURAL RESOURCES**  
**DIVISION OF BOATING AND OCEAN RECREATION**

**William Nahale**  
**HARBOR AGENT**  
**Ph: (808) 933-0414**  
**Fx: (808) 933-0415**

Permittee Signature

**Exhibit 1**

STATE OF HAWAII  
DEPT. OF LAND AND NATURAL RESOURCES  
DIVISION OF BOATING AND OCEAN RECREATION  
SMALL BOAT HARBORS

COMMERCIAL PERMIT

Account No. 00018067

Permit No. CR028555

This will permit LAVA OCEAN TOURS, INC. (hereinafter)  
(Name)

referred to as the permittee) to operate "LAVAONE"

Reg./Doc. No. 1249157 in a commercial capacity at POHOIKI RAMP

as described herein:

TYPE OF COMMERCIAL ACTIVITY:

COMMERCIAL PASSENGER - ACTIVITIES COMMENCE OFF OF THE POHOIKI RAMP AND  
ENCOMPASS AN AREA NORTH TO HILO BAY AND SOUTH TO KAPUPULI. ACTIVITIES INCLUDE  
COASTAL TOURS.

Vessel certified for 49 number of passengers.

Certification expiration 08/28/2019.

I agree to the following terms, conditions and charges:

1. The permittee agrees to abide by all Small Boat Harbors Rules promulgated by the Department. Any violations of the provisions of the aforementioned rules, in addition to any fines or penalties a court of law may impose, this permit to operate a vessel commercially in POHOIKI RAMP may be revoked.
2. The permittee agrees to operate the vessel described in this permit in accordance with all Coast Guard Rules and Regulations regarding passenger-carrying and commercial vessels.
3. The permittee agrees to present proof of Coast Guard certification for the vessel describing in this permit to the Department, its officers or agents upon request.
4. While in the harbor specified, the vessel will be operated and moored in accordance with directions of Department representatives.
5. The charge for this commercial permit will be the RAMP fee of \$ 200.00 per month, or 3% of the vessel's gross receipts, whichever is the greater.
6. The RAMP charge of \$ 200.00 is due and payable in advance of the first day of the month in the Division of Boating and Ocean Recreation Office. Not later than 30 days following the end of the month, the permittee will submit to the Division of Boating and Ocean Recreation a report of gross receipts for the month plus payment of any additional amount required by the percentage of the gross specified in Paragraph 5. **Unless paid on time, this permit WILL AUTOMATICALLY EXPIRE.**
7. This commercial permit may be terminated by the Department by written order of its representative for proper cause and the said vessel will cease commercial operations in POHOIKI RAMP.

8. During scheduled recreational events such as fishing tournaments, yacht races, etc., vessels operating under commercial permits may be required to adjust their schedules for use of harbor facilities and/or temporarily cease using harbor facilities commercially by proper authority.
9. The permittee agrees to notify the Department in writing of any change in master or captain of the vessel within 7 days of the date of change.
10. The permittee shall at all times use due care for public safety and shall defend, hold harmless and indemnify the State, its officers, agents and employees from and against all claims or demands for damages, including claims for property damage, personal injury or death arising out of or incident to the operation or mooring of said vessel.
11. The permit charges are for the privilege of operating this commercial vessel in POHOIKI RAMP in the manner stated above. Any other use of harbor property and services must be requested and approved separately.
12. This permit shall not exceed one year from 02/13/2017 and unless it is renewed before the expiration date, the permit shall expire on 05/31/2017. Before renewal, harbor authorities must sight the permittee's latest annual General Excise/Use Tax return to the State of Hawaii and all fees and charges due paid in full.

  
 \_\_\_\_\_  
 PERMITTEE/OFFICER

14-1115 POHOIKI RD  
 \_\_\_\_\_

PAHOA, HI 96778  
 \_\_\_\_\_  
 ADDRESS

PHONE NO. 808-966-4200/808-990-0553

APPROVED:

DEPT. OF LAND AND NATURAL RESOURCES  
 DIVISION OF BOATING AND OCEAN RECREATION

BY:   
 \_\_\_\_\_

DATE: 2/14/17  
 PAYMENT RECEIVED: \$5.00  
 RECEIPT NO: BARS



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

STATE OF HAWAII  
 CERTIFICATE OF NUMBER FOR UNDOCUMENTED VESSEL

HA- 1973 CP		HULL IDENTIFICATION NUMBER ACD33CATK415						
EXPIRATION DATE	TYPE VESSEL	VE BLT / VV WCD	LENGTH	HULL MTR	FUEL	PRCP	USE	CG OWNERS
6/2017	1	2015	33' 0"	4	1	1	1	0

SHANE TURPIN DBA KOHALA TOURS  
 14-1115 POHOIKI RD  
 PAHOA, HI 96778

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.

### Coast Guard Vessel Documentation

Data found in historical database no longer in Documentation.

Vessel Name:	LAVAKAI II	USCG Doc. No.:	1256473
Vessel Service:	PASSENGER (INSPECTED)	IMO Number:	*
Trade Indicator:	Coastwise Unrestricted, Registry	Call Sign:	WDC7497
Hull Material:	ALUMINUM	Hull Number:	ACD33CATK415
Ship Builder:	*	Year Built:	2014
		Length (ft.):	33
Hailing Port:	PAHOA HI	Hull Depth (ft.):	2.3
		Hull Breadth (ft.):	12
Owner:		Gross Tonnage:	3
		Net Tonnage:	3
Documentation Issuance Date:		Documentation Expiration Date:	
Previous Vessel Names:	No Vessel Name Changes	Previous Vessel Owners:	KAILUA BAY WATERSPORTS LLC KAILUA BAY WATERSPORTS LLC



# DCCA State of Hawaii

Downloaded on April 5, 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	LAVA OCEAN TOURS INC.
BUSINESS TYPE	Domestic Profit Corporation
FILE NUMBER	236480 D1
STATUS	Active
PURPOSE	MARINE SERVICES
PLACE INCORPORATED	Hawaii UNITED STATES
INCORPORATION DATE	Jul 5, 2012
MAILING ADDRESS	14-1115 POHOIKI RD PAHOA, Hawaii 96778 UNITED STATES
TERM	PER
AGENT NAME	SHANE TURPIN
AGENT ADDRESS	14-3782 POHOIKI RD PAHOA, Hawaii 96778 UNITED STATES

## Annual Filings

FILING YEAR	DATE RECEIVED	STATUS
2016	Jul 7, 2016	Processed
2015	Apr 14, 2016	Processed
2014	Sep 15, 2014	Processed
2013	Sep 15, 2014	Processed

## Officers

NAME	OFFICE	DATE
TURPIN,SHANE	P	Jul 1, 2014
TURPIN,SHANE	D	Jul 1, 2015

## Stocks

DATE	CLASS	SHARES	PAID SHARES	PAR VALUE	STOCK AMOUNT
Jul 1, 2014	COMMON	100	100		



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

<b>INVESTIGATION #</b> 17-0723-HA	<b>District</b> Puna	<b>Lead Investigator</b> Terlep, Jr., Lawrence	<b>Report Status</b> In Progress	<b>Key Report</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Date/Time Reported</b> 02/06/2017 08 00AM	<b>Location</b> Pohokū	<b>Classification</b> RBS BOATING ACCIDENT		<b>Connecting Reports</b>

**Incident & Report Control Form**

DOCARE-5 (Rev. 8/03)

**A. COMPLAINT**

**Taken By:** Lawrence Terlep, Jr. **Reported Date/Time:** 02/06/2017 08 00AM  
**How Taken:** Phone

**Complainant:**  
**Phone:** Home Work Cell  
**Address:** HI

**Incident Summary:** Description  
 Suspect:  
 Vehicle/Vessel Lava Kai II

**Location:** Pohokū **Occurred From:** 02/06/2017 12 00AM  
**Location Notes:** Pohokū Boat Ramp **Occurred To:**

**B. REPORT CONTROL**

**Branch:** Hawaiī  
**District:** Puna  
**Lead Investigator:** Lawrence Terlep, Jr.  
**Date Assigned:** 02/25/2017 01 27PM

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

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

INVESTIGATION # 17-0723-HA	District Puna	Lead Investigator Terlep, Jr., Lawrence	Report Status In Progress	Key Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date/Time Reported 02/08/2017 08 00AM	Location Pohoiki	Classification RBS BOATING ACCIDENT	Connecting Reports	

Investigation Report

BASIC	1 CLASSIFICATION RBS BOATING ACCIDENT						2 SOURCE Phone		
	3 COMPLAINANT'S NAME			4 SEX	5 RACE	6 AGE	7 BIRTH DATE	8. OCCUPATION	
	9 ADDRESS HI			10 PLACE EMPLOYED/SCHOOL ATTENDING Hawaii Fire Department			11 HOME	12 WORK	13 CELL
	14 LOCATION OF INCIDENT/INTERSECTING STREET Pohoiki Boat Ramp					15 DATE/TIME OCCURRED 02/06/2017 05 30AM		16 DATE/TIME REPORTED 02/06/2017 06 00AM	

VEHICLES	17 TYPE Boat	18 YEAR 2015	19 MAKE HOME BUILT	20 MODEL BOAT	21 COLOR Aluminum	22 LICENSE / HA No. HA-1973-CP	23 LENGTH 33	24 STOLEN No	
	25 REGISTERED OWNER Shane Turpin			26 ADDRESS 14-1115 Pohoiki Rd, Pahoia, HI, 96778			27 HOME	28 WORK	29 CELL
	30 NOTES								
	31 TYPE	32 YEAR	33 MAKE	34 MODEL	35 COLOR	36 LICENSE / HA No.	37 LENGTH	38 STOLEN	

PEOPLE	45 NAME William GIFFORD			46 SEX Male	47 RACE White	48 AGE	49 BIRTH DATE	50 OCCUPATION Boat Captain	
	51 CATEGORY Captian			52 ADDRESS			53 HOME	54 WORK	55 CELL
	56 NAME Andrew KERBY			57 SEX Male	58 RACE White	59 AGE	60 BIRTH DATE	61 OCCUPATION Deck Hand	
	62 CATEGORY Deck Hand			63 ADDRESS			64 HOME	65 WORK	66 CELL

SYNOPSIS	78 SYNOPSIS On February 6, 2017 at approximately 6 00am I was assigned by East Hawaii Supervisor J. WELLER to investigate a report of a boat on the rocks at Pohoiki Boat ramp. The incident was reported to WELLER by the Hawaii County Fire Departments Dispatch.  Refer to attached narrative report for further details.								
----------	---	--	--	--	--	--	--	--	--

WRITER	79 REPORT WRITTEN BY Terlep, Jr., Lawrence	83 BADGE No. 56	81 DATE/TIME WRITTEN 03/08/2017 10 02AM	80 SUPERVISOR APPROVING Weller, James	82 DATE/TIME APPROVED 3-19-17	84 BADGE No. 19
	85 DISPOSITION					

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

INVESTIGATION # 17-0723-HA	DISTRICT Puna	LEAD INVESTIGATOR Lawrence Terlep, Jr.	KEY REPORT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
DATE / TIME REPORTED 2/6/2017 6 00 00 AM	LOCATION Pohoiki	CLASSIFICATION RBS BOATING ACCIDENT	CONNECTING REPORT(S)

Report Type:  Continuation of Report     Supplemental     Follow Up  
Date/Time Written:  
Written By: Terlep, Jr., Lawrence

## Report

### ASSIGNMENT ARRIVAL

On February 6, 2017 at approximately 6:00am I was assigned by East Hawaii Supervisor J. WELLER to investigate a report of a boat on the rocks at Pohoiki Boat ramp. The incident was reported to WELLER by the Hawaii County Fire Departments Dispatch. I arrived at the Isaac Hale Beach Park boat parking area at approximately 6:45am.

### CAPTAIN/DECK HAND INTERVIEWED

I arrived at the Isaac Hale Beach Park boat parking area where I was met by the Captain of the boat William L. GIFFORD (REDACTED). Gifford stated that he was at the helm of the vessel LAVA KAI II, a Coast Guard inspected passenger vessel, when the incident occurred. GIFFORD stated that he was attempting to launch the LAVA KAI II at approximately 5:15am from the Pohoiki launch ramp during high winds. GIFFORD stated that once the vessel was off the trailer and in the water the wind caught the vessel and pushed the port side, abaft of the beam in to the rocks. GIFFORD stated that there were 26 passengers and two crew aboard the LAVA KAI II when this occurred. Gifford stated that he was able to motor the vessel off of the rocks and was able to put the port bow onto the up to dock and off load the passenger after which he load the LAVA KAI II back on to the trailer and parked it at the Isaac Hale beach park boat parking area. GIFFORD stated that the Vessel was out of the water by 5:30am. All passengers had left the area by the time that I arrived on the scene. GIFFORD stated that the Coast Guard was coming to the Lava Ocean Adventure INC base yard later that day to complete an inspection prior to the vessel being put back in service.

At approximately 7:00am I interviewed Andrew J. KERBY, a deck hand on the LAVA KAI II, and KERBY stated that GIFFORD's recollection of the incident was accurate.

### VESSEL DAMAGE

Upon inspecting the vessel I noticed a softball sized dent on the portside, abaft of the beam and the fin at the bottom of the port side motor was missing. Refer to photographic log for further information.

### DISPOSITION

In that the LAVA KAI II has been removed from the water and the United States Coast Guard has been made aware of the incident and will be conducting an inspection of the vessel, it is my recommendation that this case be closed as a record only.

CLOSED: RECORD ONLY



Terlep, Jr., Lawrence  
Officer

56  
Badge No.

March 8, 2017/10:00am  
Date / Time

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

INVESTIGATION #  
17-0723-HA

DISTRICT  
Puna

LEAD INVESTIGATOR  
Lawrence Terlep, Jr.

KEY REPORT  
 Yes  X

DATE / TIME REPORTED  
2/8/2017 8 00 00 AM

LOCATION  
Poholiki

CLASSIFICATION  
RBS: BOATING ACCIDENT

CONNECTING REPORT(S)

Report Description:

Date/Time Taken:

Taken By: Terlep, Jr., Lawrence

Scene:

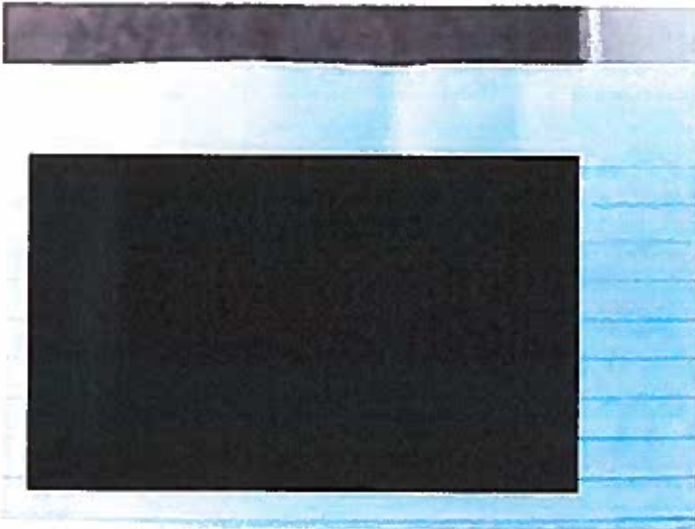
Equipment:

Weather Conditions:

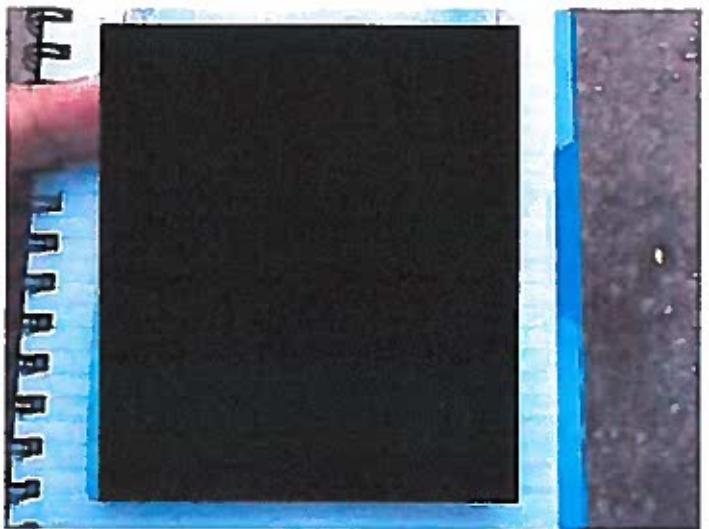
Lighting:

Focus:

1 Depicts Captains South Carolina Driver License



2 Depicts Captains Masters License



3 Depicts damage to Port side of Lava Kai II



4 Depicts damage to port side of Lava Kai II close



INVESTIGATION #  
17-0723-HA

DISTRICT  
Puna

LEAD INVESTIGATOR  
Lawrence Terlep, Jr

KEY REPORT  
 Yes  X

DATE / TIME REPORTED  
2/6/2017 6:00:00 AM

LOCATION  
Poholiki

CLASSIFICATION  
RBS BOATING ACCIDENT

CONNECTING REPORT(S)

**5** Depicts damage to port side motor fin



**6** Depicts damage to port side motor fin close



**7**

NONE

**8**

NONE

17-131

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

INVESTIGATION # 17-0737-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 07:55AM	Location Pohohi	Classification RBS CERTIFICATE OF NUMBER	Connecting Reports 17-0738-HA	

Incident & Report Control Form DOCARE-3 (Rev. 6/03)

A. COMPLAINT

Taken By: Craig Dente Reported Date/Time: 02/07/2017 07:55AM  
How Taken: On Boat

Complainant: Craig Dente  
Home  Work  Cell

Phone:  
Address:

Incident Summary: Description EXPIRED CERTIFICATE OF NUMBERS  
Suspect MULLINS Sky K

Vehicle/Vessel HA1973CP - LAVA KAI II

Location: Pohohi Occured From: 02/07/2017 07:55AM  
Location Notes: Pohohi Boat Ramp Occured To:

B. REPORT CONTROL

Branch: Hawaii  
District: Puna  
Lead Investigator: Craig Dente  
Date Assigned: 02/11/2017 01:02PM

C. NOTES/DISPOSITION/OTHER INFO

CLOSED - CITATION ISSUED (082435 LNR)

COPY TO DOBOR

KONA	_____	ST. PARKS	_____
HILO	_____	DOBOR	_____
KAMUELA	_____	PROSECUTOR	2.23.17
HONOLULU	_____	FEDERAL	_____
AQUATICS	_____	HP	_____
DOFAW	_____	OCCL	_____
LAND DIV	_____		_____



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

INVESTIGATION # 17-0737-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 07:55AM	Location Pohoki	Classification RBS: CERTIFICATE OF NUMBER	Connecting Reports 17-0738-HA	

Investigation Report

BASIC	1 CLASSIFICATION RBS: CERTIFICATE OF NUMBER						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 Pohoki Boat Ramp						15 DATE/TIME OCCURRED 02/07/2017 07:55AM		16 DATE/TIME REPORTED 02/07/2017 07:55AM	

VEHICLES	17 TYPE Boat	18 YEAR 2015	19 MAKE Power Catamaran	20 MODEL Yardbuilt	21 COLOR Grey	22 LICENSE / HA No. HA1973CP	23 LENGTH -	24 STOLEN No	
	25 REGISTERED OWNER Shane TURPIN			26 ADDRESS 141115 Pohoki Rd, Pahoa, HI, 96778			27 HOME	28 WORK 808-966-4200	29 CELL
	30 NOTES								
	31 TYPE Truck	32 YEAR 2008	33 MAKE Dodge	34 MODEL PKUP	35 COLOR White	36 LICENSE / HA No.	37 LENGTH -	38 STOLEN No	
39 REGISTERED OWNER Shane TURPIN			40 ADDRESS 141115 Pohoki Rd, Pohoki, HI, 96778			41 HOME	42 WORK 808-966-4200	43 CELL	
44 NOTES									

PEOPLE	45 NAME Sky MULLINS				46 SEX Male	47 RACE	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 Sky K. MULLINS, master of vessel HA1973CP - LAVA KAI II, at Pohoki Boat Ramp, loaded with 26 passengers, departing for a sea-voyage to view the lava flow off Kalapana. Conducted safety inspection. The vessel did not have a current Certificate of Number onboard. The suspect could only produce an expired certificate of number.
	Additional citation given during inspection for Required Equipment; see connecting 17-0738-HA.  Warning also given during inspection for not having a Commercial Use Permit onboard.  INVESTIGATION CONTINUING

WRITER	79 REPORT WRITTEN BY Dente, Craig	80 BADGE No. 238	81 DATE/TIME WRITTEN 02/16/2017 12:28PM	82 SUPERVISOR APPROVING Waller, James	83 DATE/TIME APPROVED 02/16/17	84 BADGE No. 19
	85 DISPOSITION					

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

INVESTIGATION # 17-0737-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/7/2017 7:55:00 AM	LOCATION Pohoiki	CLASSIFICATION RBS CERTIFICATE OF NUMBER	CONNECTING REPORT(S) 17-0738-HA

Report Type:  Continuation of Report  Supplemental  Follow Up  
Date/Time Written: 02-16-2017 / 1300 hrs  
Written By: Dente, Craig

## Report

### ASSIGNMENT

While on duty as DOCARE 637 on 02-07-2017 at approximately 0755 hrs, I was patrolling Pohoiki Boat Ramp. I observed the vessel LAVA KAI II, HA 1973 CP, loaded with 26 passengers and with her Captain onboard in the process of launching at the boat ramp from her boat trailer. Before the vessel was launched, I conducted a safety inspection and noted three discrepancies. Two of the three discrepancies are accounted for in this report. The third discrepancy is accounted for in connecting report 17-0738-HA.

### SCENE

Pohoiki Boat Ramp / Isaac Hale Beach Park. Weather was clear and sunny. Winds were calm. Water conditions were typical for a calm day in the area, with 2-4 foot waves from the east.

The LAVA KAI II was preparing to launch from Pohoiki Boat Ramp. It had embarked 26 passengers and her Captain, sitting on her cradle on the trailer, which was being pulled by a silver Dodge truck, Hawaii License Plate [REDACTED].

### VESSEL STOPPED

I informed the truck driver, who was pulling the trailer for LAVA KAI II that I intended to conduct an inspection of the vessel. The truck driver acknowledged, stopped and then reversed back into Isaac Hale Beach Park parking lot, where I conducted my inspection.

### CAPTAIN IDENTIFIED

I introduced myself as Officer DENTE with DLNR Conservation Enforcement to the person on LAVA KAI II who claimed to be the Captain. The Captain produced his Merchant Mariner Credential, identifying himself as Sky K. MULLINS, DOB [REDACTED], of Mountain View, HI.

### VESSEL DOCUMENTS INSPECTED

I requested MULLINS present to me the vessel's documents, which he did. I observed that the certificate of number which he presented to me was expired. I asked MULLINS if he had the current Certificate of Number onboard, to which he replied that he did not.

The Captain was also unable to present me with a valid Commercial Use Permit for Pohoiki Boat Ramp.

### VIOLATIONS

- HAR 13-241-10(e): A certificate of number is void after the date of expiration indicated thereon.
- 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.

(Continued on Next Page)

Dente, Craig  
Officer



236  
Badge No.

02-16-2017 / 1300 hrs  
Date / Time

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

INVESTIGATION # 17-0737-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/7/2017 7 55 00 AM	LOCATION Pohokai	CLASSIFICATION RBS CERTIFICATE OF NUMBER	CONNECTING REPORT(S) 17-0738-HA

## Report (Continued)

### CITATION ISSUED

Based on the information listed above, I found that the vessel did not have a current certificate of number onboard. I issued citation 062435 LNR to the vessel's Captain, Sky MULLINS for adjudication in Third Circuit Environmental Court. MULLINS signed the citation form, and 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 MULLINS his yellow copy of the citation form.

### WARNING ISSUED

In addition to the citation, I informed MULLINS that he was required to keep a copy of the vessel's Commercial Use Permit onboard, and have it available for inspection at all times. MULLINS acknowledged.

### DISPOSITION

CLOSED – CITATION ISSUED (062435 LNR)

(End of Report)

Dente, Craig  
Officer



236  
Badge No.

02-16-2017 / 1300 hrs  
Date / Time





17-128

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

INVESTIGATION # 17-0738-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 07 55AM	Location Pohoihi	Classification RBS REQUIRED EQUIPMENT		Connecting Reports 17-0737-HA

Incident & Report Control Form OC CARE-5 (Rev. 8/03)

A. COMPLAINT

Taken By: Craig Dente      Reported Date/Time: 02/07/2017 07 55AM  
How Taken: On Boat

Complainant: Craig Dente  
Home                      Work                      Cell

Phone:  
Address:

Incident Summary: Description SAFETY EQUIPMENT VIOLATION  
Suspect: MULLINS Sky K  
Vehicle/Vessel HA1873CP - LAVA KAI II

Location: Pohoihi      Occurred From: 02/07/2017 07 55AM  
Location Notes: Pohoihi Boat Ramp      Occurred To:

B. REPORT CONTROL

Branch: Hawaii  
District: Puna  
Lead Investigator: Craig Dente  
Date Assigned: 02/11/2017 12 31PM

C. NOTES/DISPOSITION/OTHER INFO

CLOSED - CITATION ISSUED (082438 LNR)

COPY TO DOBOR

KONA	ST. PARKS
HILO	DOBOR <u>Feb 9 2:24 PM</u>
KAMUELA	PROSECUTOR <u>2-23-17</u>
HONOLULU	FEDERAL
AQUATICS	HP
DOFAW	OCCL
LAND DIV	

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

INVESTIGATION # 17-0738-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 07:55AM	Location Pohokii	Classification RBS: REQUIRED EQUIPMENT	Connecting Reports 17-0737-HA	

Investigation Report

BASIC	1 CLASSIFICATION RBS: REQUIRED EQUIPMENT						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 Pohokii Boat Ramp						15. DATE/TIME OCCURRED 02/07/2017 07:55AM		16. DATE/TIME REPORTED 02/07/2017 07:55AM		
VEHICLES	17 TYPE Boat	18 YEAR 2015	19 MAKE Power Catamaran	20 MODEL Yardbuilt		21 COLOR Grey		22. LICENSE / HA No. HA1973CP	23 LENGTH	24 STOLEN No	
	25. REGISTERED OWNER Shane TURPIN			26. ADDRESS 141115 Pohokii Rd. Pahoa, HI, 96778			27 HOME	28 WORK 808-966-4200	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	46 NAME Sky MULLINS				48 SEX Male	47 RACE	49 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 Conducted inspection of LAVA KAI II, HA 1973 CP at Pohokii Boat Ramp while loaded with 26 passengers, departing for a sea-voyage to view the lava flow off Kalapana. Conducted safety inspection. The vessel did not have adequate fire extinguishing equipment onboard, as required by Coast Guard Safety Standards under title 46 Code of Federal Regulations, a violation of Hawaii Administrative Rule 13-243-1(a). Citation 052436 issued.										
	REFER TO MASTER REPORT NUMBER 17-0737-HA for more details on boarding. INVESTIGATION CONTINUING										
WRITER	79 REPORT WRITTEN BY Dente, Craig			80 BADGE No. 238	81 DATE/TIME WRITTEN 02/16/2017 01:28PM			82 SUPERVISOR APPROVED <i>[Signature]</i> Weller, James		83 DATE/TIME APPROVED 2-17-17	84 BADGE No. 19
	85 DISPOSITION										

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

INVESTIGATION #  
17-0738-HA

DISTRICT  
Puna

LEAD INVESTIGATOR  
Craig Dente

KEY REPORT  
 Yes  No

DATE / TIME REPORTED  
2/7/2017 7:55:00 AM

LOCATION  
Poholiki

CLASSIFICATION  
RBS REQUIRED EQUIPMENT

CONNECTING REPORT(S)  
17-0737-HA

Report Type:  Continuation of Report  Supplemental  Follow Up  
Date/Time Written: 02-16-2017 / 1330 hrs  
Written By: Dente, Craig

## Report

### ASSIGNMENT

Refer to Master Report 17-0737-HA.

### SCENE

Refer to Master Report 17-0737-HA.

### VESSEL STOPPED

Refer to Master Report 17-0737-HA.

### CAPTAIN IDENTIFIED

Refer to Master Report 17-0737-HA.

### VESSEL DOCUMENTS INSPECTED

Refer to Master Report 17-0737-HA.

### VESSEL SAETY EQUIPMENT INSPECTED

After inspecting documents, a safety inspection of the LAVA KAI II was conducted. I found that the vessel had an insufficient amount of fire extinguishing equipment onboard. The vessel is required to have two type B-II fire extinguishers onboard. The vessel only had one type B-II extinguisher onboard.

At the time, the LAVA KAI II was loaded with 26 passengers and was bound for an at-sea voyage to view the Lava Flow off Kalapana, HI.

### VIOLATION

HAR §13-243-1(a). Equipment required by vessels on state waters. Navigational lights, sound producing devices, personal flotation devices, ventilation, backfire flame control, and distress signals shall conform to the standards set forth in U. S. Coast Guard Navigation Rules, COMDTINST M16672.2B, of August 17, 1990 and as revised thereafter; U. S. Coast Guard Boating Standards Manual COMDTINST M16761.2B, dated March 26, 1991 and as revised thereafter; 33 CFR Parts 175, 177, 181, and 183; and 46 CFR Part 25 as they existed on October 1, 1992 and as revised thereafter.

The U.S. Coast Guard requirement for this vessel to have two type B-II extinguishers is promulgated in 46 CFR 169.567, which is listed on the LAVA KAI II's Certificate of Inspection, see attached photo log.

(Continued on Next Page)

Dente, Craig  
Officer



236  
Badge No.

02-07-2017 / 1330 hrs  
Date / Time



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

INVESTIGATION # 17-0738-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
DATE / TIME REPORTED 2/7/2017 7 55 00 AM	LOCATION Pohaki	CLASSIFICATION RBS REQUIRED EQUIPMENT	CONNECTING REPORT(S) 17-0737-HA

Report (Continued)

CITATION ISSUED

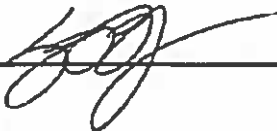
Based on the information listed above, I found that the vessel did not have all required safety equipment onboard. I issued citation 062436 LNR to the vessel's Captain, Sky MULLINS for adjudication in Third Circuit Environmental Court. MULLINS signed the citation form, and acknowledged that he had a mandatory court appearance in Environmental Court on 03-17-2017 in South Hilo Courtroom 2B at 0830. I then gave MULLINS his yellow copy of the citation form.

DISPOSITION

CLOSED – CITATION ISSUED (062436 LNR)

(End of Report)

Dente, Craig  
Officer



236  
Badge No.

02-07-2017 / 1330 hrs  
Date / Time

INVESTIGATION #  
17-0736-HA

DISTRICT  
Puna

LEAD INVESTIGATOR  
Craig Dente

KEY REPORT  
 Yes  X

DATE / TIME REPORTED  
2/7/2017 7 55 00 AM

LOCATION  
Pohoiki

CLASSIFICATION  
RBS REQUIRED EQUIPMENT

CONNECTING REPORT(S)  
17-0737-HA

Report Description: **Photo Log**

Date/Time Taken: **02-07-2017 / Approximately 0800 hrs**

Taken By: **Dente, Craig**

Scene: **LAVA KAI II at Pohoiki Boat Ramp**

Equipment: **iPhone**

Weather Conditions: **Clear / Sunny**

Lighting: **Daylight / Natural**


Focus: **Auto**

## 1 Depicts LAVA KAI II loaded with 26 passengers onboard at Pohoiki



INVESTIGATION # 17-0738-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT [ ] Yes [X]
DATE / TIME REPORTED 2/7/2017 7:55:00 AM	LOCATION Pohokai	CLASSIFICATION RBS REQUIRED EQUIPMENT	CONNECTING REPORT(S) 17-0737-HA

2 Depicts LAVA KAI II's USCG Certificate of Inspection, delineating safety requirements under title 46 Code of Federal Regulations (Page 1 of 3)



United States of America  
Department of Homeland Security  
United States Coast Guard


## Certificate of Inspection

For other administrative purposes this certificate fulfills the requirements of 46 CFR 17.14 as amended, regarding VTS, for a 2007 Malibu Sportboat.

Vessel Name <b>LAVAKAI II</b>	Unique Number <b>1258473</b>	Call Sign <b>WDC7487</b>	Service <b>Passenger (Inspected)</b>																								
Making Port <b>PAHOA, HI</b>	Hull Material <b>Aluminum</b>	Length <b>800</b>	Propulsion <b>Gasoline Outboard</b>																								
<b>UNITED STATES</b>																											
Place Built <b>PORT ANGELES, Washington</b>	Delivery Date <b>14Oct2014</b>	First Lift Date <b>18Aug2014</b>	Gross Tonn <b>NA</b> Net Tonn <b>1</b> DWT <b>10</b> Length <b>NA</b> LOA <b>10</b>																								
<b>UNITED STATES</b>																											
Owner <b>KAILUA BAY WATERSPORTS LLC 14-115 POHOA ROAD PAHOA, HI 96778 UNITED STATES</b>		Operator <b>KAILUA BAY WATERSPORTS LLC 14-115 POHOA ROAD PAHOA, HI 96778 UNITED STATES</b>																									
<p>This vessel must be manned with the following licensed and unlicensed personnel. Included in which there must be:</p> <p><input type="checkbox"/> Certified Lifeguard, <input type="checkbox"/> Certified Tenderman, <input type="checkbox"/> USCG Type Rating, and <input type="checkbox"/> USCG Operators.</p> <table border="0" style="width: 100%; font-size: small;"> <tr> <td style="width: 25%;">1. Master</td> <td style="width: 25%;">4. Unlicensed Mate</td> <td style="width: 25%;">6. Crew Member</td> <td style="width: 25%;">9. Qualified Master/Engineer Dept.</td> </tr> <tr> <td>2. Chief Mate</td> <td>5. First Class Pilot</td> <td>7. First Assistant Engineer</td> <td>10. Crew</td> </tr> <tr> <td>3. Second Mate</td> <td>8. Radio Officer</td> <td>8. Second Assistant Engineer</td> <td>11. Crew Member</td> </tr> <tr> <td>4. Third Mate</td> <td>9. Able Seaman</td> <td>9. Third Assistant Engineer</td> <td></td> </tr> <tr> <td>5. Master/First Class Pilot</td> <td>10. Ordinary Seaman</td> <td>10. Unlicensed Engineer</td> <td></td> </tr> <tr> <td>6. Mate/First Class Pilot</td> <td>11. Deckhands</td> <td>11. Non-licensed Engineer/Deck</td> <td></td> </tr> </table>				1. Master	4. Unlicensed Mate	6. Crew Member	9. Qualified Master/Engineer Dept.	2. Chief Mate	5. First Class Pilot	7. First Assistant Engineer	10. Crew	3. Second Mate	8. Radio Officer	8. Second Assistant Engineer	11. Crew Member	4. Third Mate	9. Able Seaman	9. Third Assistant Engineer		5. Master/First Class Pilot	10. Ordinary Seaman	10. Unlicensed Engineer		6. Mate/First Class Pilot	11. Deckhands	11. Non-licensed Engineer/Deck	
1. Master	4. Unlicensed Mate	6. Crew Member	9. Qualified Master/Engineer Dept.																								
2. Chief Mate	5. First Class Pilot	7. First Assistant Engineer	10. Crew																								
3. Second Mate	8. Radio Officer	8. Second Assistant Engineer	11. Crew Member																								
4. Third Mate	9. Able Seaman	9. Third Assistant Engineer																									
5. Master/First Class Pilot	10. Ordinary Seaman	10. Unlicensed Engineer																									
6. Mate/First Class Pilot	11. Deckhands	11. Non-licensed Engineer/Deck																									
<p>In addition, this vessel may carry 25 Passengers, 0 Other Persons in crew, 0 Persons in addition to crew, and 00 Others. Total Persons allowed: 25.</p>																											
<p>Route Permitted And Conditions Of Operation.</p> <p><b>---Lakes, Bays, and Sounds plus Limited Coastwise---</b></p> <p>PACIFIC OCEAN STATE OF HAWAII ISLAND OF HAWAII, NOT MORE THAN 20 MILES FROM A HARBOR OF SAFE REFUGE, SOUTHERN AND WESTERN COASTS OF THE ISLAND OF MAUI BETWEEN A LINE EXTENDING NORTH BY NORTHWEST FROM LPOA POINT TO A LINE EXTENDING SOUTHWEST FROM CAPE HAMMANOHA, NOT MORE THAN 20 MILES FROM A HARBOR OF SAFE REFUGE, ISLAND OF LANAI EXTENDING SOUTHWEST FROM CAPE HAMMANOHA, NOT MORE THAN 20 MILES FROM A HARBOR OF SAFE REFUGE, SOUTHERN COAST OF THE ISLAND OF MOLOKAI BETWEEN A LINE EXTENDING DUE SOUTH FROM CAPO POINT TO A LINE EXTENDING SOUTH BY SOUTHEAST FROM CAPE MALAWA, NOT MORE</p>																											
<b>---SEE NEXT PAGE FOR ADDITIONAL CERTIFICATE INFORMATION---</b>																											
<p>With this inspection for certification having been completed at Kawaihae Hawaii UNITED STATES, the Officer in Charge, Marine Inspection, Honolulu certified the vessel, in all respects, is in conformity with the applicable vessel inspection laws and the rules and regulations prescribed thereunder.</p>																											
<p>Annual/Periodic/Re-inspection</p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Date</th> <th>Zone</th> <th>Area</th> <th>Signature</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>			Date	Zone	Area	Signature																	<p>This certificate issued by <b>U. S. MULLINS, U.S. MARINE INSPECTOR</b></p> <p>Signature: <i>[Signature]</i> Honolulu</p>				
Date	Zone	Area	Signature																								

INVESTIGATION # 17-0738-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> X
DATE / TIME REPORTED 2/7/2017 7 55 00 AM	LOCATION Pohōki	CLASSIFICATION RBS REQUIRED EQUIPMENT	CONNECTING REPORT(S) 17-0737-HA

3 Depicts LAVA KAI II's USCG Certificate of Inspection, delineating safety requirements under title 46 Code of Federal Regulations (Page 2 of 3)



United States of America  
Department of Homeland Security  
United States Coast Guard

Classification Date: 15 Dec 2019  
Expiration Date: 15 Dec 2020

## Certificate of Inspection

Vessel Name: LAMMAN II

**THAT IS MORE THAN 20 FEET FROM A HARBOR OF SAFE REFUGE:**

IF THE VESSEL IS AWAY FROM THE DOCK OR PASSENGERS ARE ON BOARD OR HAVE ACCESS TO THE VESSEL FOR A PERIOD EXCEEDING 12 HOURS IN ANY 24 HOUR PERIOD, AN ALTERNATE MASTER AND CREW SHALL BE PROVIDED.

IF THE PROVISIONS OF WORK INSTRUCTION 21 ARE MET, THE REQUIRED DECKHAND MAY ENTER THE WATER WHILE MOORED OR AT ANCHOR DURING IN-WATER PASSENGER ACTIVITIES.

ONE CHILD SIZE LIFE PRESERVER SHALL BE PROVIDED FOR EACH PERSON WEIGHING LESS THAN 80 POUNDS.

VESSEL SHALL BE OPERATED WITHIN THE FOLLOWING DESIGN RESTRICTIONS IN ACCORDANCE WITH MSC HULL STRUCTURE APPROVAL LTR DTD NOVEMBER 13, 2014:

Significant Wave Height (Feet)	Maximum Speed (Kts)
Less than 1.5	26.3
1.5 - 3.0	20.1
3.0 - 6.0	16.2
6.0 - 7.5	13.9
7.5 - 9.5	12.7
9.5 - 11.0	11.0
11.0 - 13.0	10.4
> 13.0	Back Shelter at Slow Speed

ANNUAL INTERNAL STRUCTURAL EXAMS SHALL BE CONDUCTED IAW 46 CFR 175.800 AND NSM VOL. 1, SECTION 3, CHAP. 4, PAGE 94-12.

WHEN OPERATING AS AN UNSUPERVISED PASSENGER VESSEL CARRYING 5 OR FEWER PASSENGERS, VESSEL MANNING MAY BE REDUCED TO 1 MASTER ONLY.

**PARTIALLY PROTECTED ROUTE:**

PACIFIC OCEAN, STATE OF HAWAII, WESTERN COAST OF THE ISLAND OF HAWAII BETWEEN A LINE EXTENDING DUE WEST FROM OPOLOU POINT AND A LINE EXTENDING DUE WEST FROM KAUNA POINT, NOT MORE THAN 20 MILES FROM A HARBOR OF SAFE REFUGE.

**— Hull Exams —**

Exam Type	Next Exam	Last Exam	Prior Exam
Dry Dock	31 May 2017	20 May 2015	

**— Stability —**

Type	Issued Date	Office
Letter	06 Feb 2015	Marine Safety Center (MSC)

**— Lifesaving Equipment —**

Total Equipment for 28 Persons

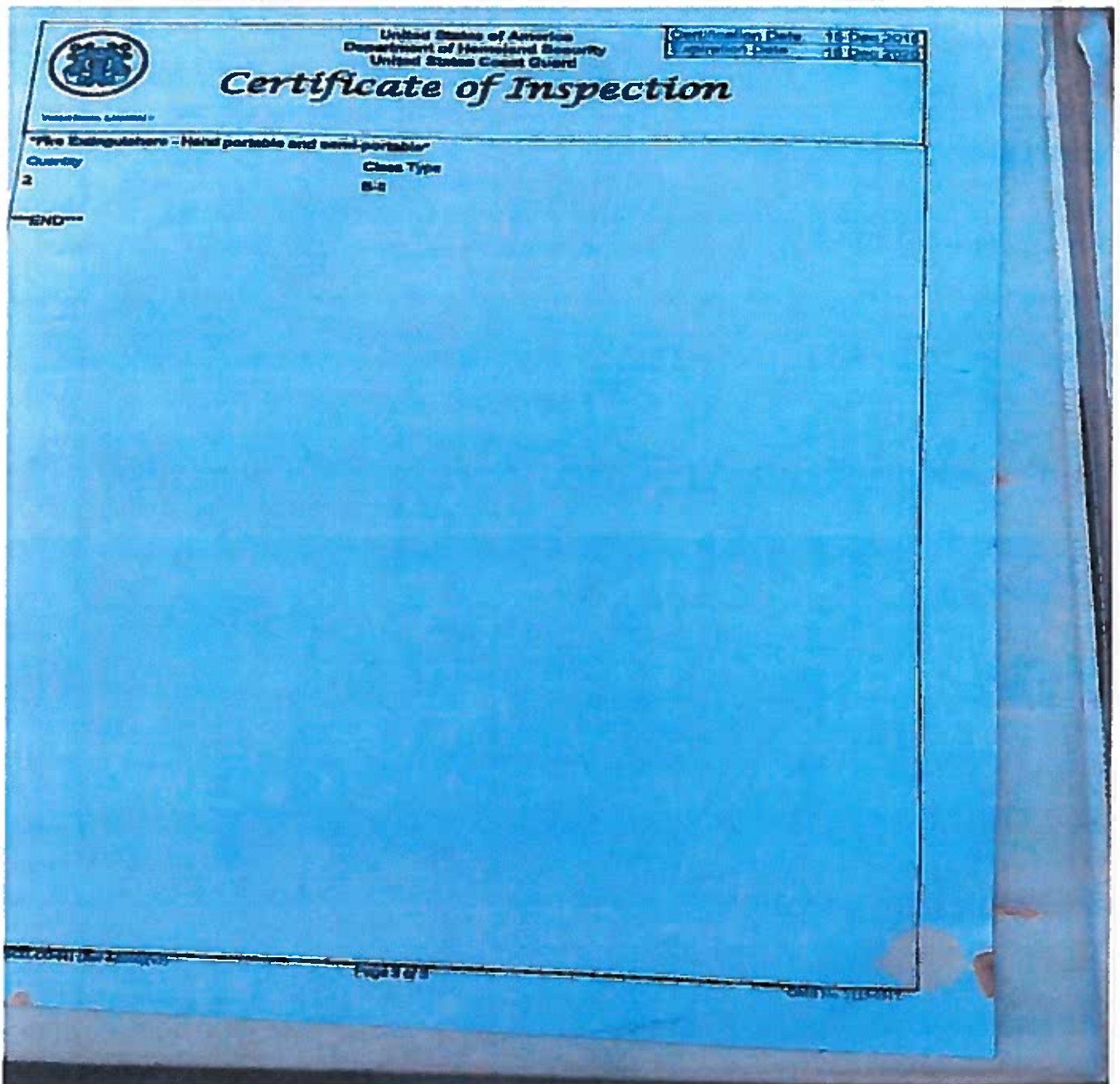
Primary Lifesaving Equipment	Quantity	Capacity	Required
Liferafts (Total)	0	0	28
Liferafts (Port)	0	0	3
Liferafts (Starboard)	0	0	1
Motor Liferafts	0	0	1
Liferafts W/Radio	0	0	1
Rescue Bots/Platforms	0	0	0
Inflatable Rafts	0	0	0
Life Floats/Buoys w/ App	2	30	0
Inflatable Buoys w/ App (IBA)	0	0	0
			Equipped with EPIRB? YES

**— Fire Fighting Equipment —**

INVESTIGATION # 17-0736-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> X
DATE / TIME REPORTED 2/7/2017 7 55 00 AM	LOCATION Pohohi	CLASSIFICATION RBS REQUIRED EQUIPMENT	CONNECTING REPORT(S) 17-0737-HA

4 Depicts LAVA KAI II's USCG Certificate of Inspection, delineating safety requirements under title 46 Code of Federal Regulations (Page 3 of 3).

**\*\*\* NOTE TWO TYPE B-II PORTABLE FIRE EXTINGUISHERS REQUIRED\*\*\***



2/18/2017

* REG. # (HA-XXXX-JX) HA-1973-CP	HULL ID ACD33CATK415	DECAL # R09916	RAMP # R37711(COM)	STATUS ACTIVE	EXP. DATE (MM/YY) 06/17
-------------------------------------	-------------------------	-------------------	-----------------------	------------------	----------------------------

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

### PRINCIPAL OWNER

BUSINESS  
SHANE TURPIN DBA KOHALA TOURS

* LAST NAME	* FIRST NAME	MIDDLE NAME
DATE OF BIRTH (MM-DD-YYYY)	CONTACT PHONE XXX-XXX-XXXX [REDACTED]	* EMAIL KOHALATOURS@GMAIL.COM
* CITIZENSHIP OF OWNER UNITED STATES		

### MAILING ADDRESS

* STREET1 14-1115 POHOIKI RD	* STATE HAWAII	* ZIP CODE 96778
* CITY PAHOA		PROVINCE
* COUNTRY UNITED STATES		

### STREET ADDRESS

SAME AS MAILING ADDRESS

\* = REQUIRED

LAST UPDATED: 11-30-2016 10:35:01 AM, carol e yamaguchi

* REG. # (HA-XXXX-XX) HA-1973-CP	HULL ID ACD33CATK415	DECAL # R09916	RAMP # R37711(COM)	STATUS ACTIVE	EXP. DATE (MM/YY) 06/17
-------------------------------------	-------------------------	-------------------	-----------------------	------------------	----------------------------

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

**\* VESSEL**

NAME LAVAKAI 2	YEAR BUILT 2015	YEAR MODEL 2015	* FEET 33	* 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)	HULL ID	DECAL #	RAMP #	STATUS	EXP. DATE (MM/YY)
HA-1973-CP	ACD33CATK415	R09816	R37711(COM)	ACTIVE	06/17

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

**RADIO COMMUNICATIONS**

4-BOTH

**PLACE VESSEL KEPT**

1-MOORED, 2-STORED ON LAND  
MOORED

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) HA-1973-CP	HULL ID ACD33CATK415	DECAL # R09916	RAMP # R37711(COM)	STATUS ACTIVE	EXP. DATE (MM/YY) 06/17
-------------------------------------	-------------------------	-------------------	-----------------------	------------------	----------------------------

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

**HULL**

\* NUMBER OF HULLS  
2

\* HULL COLOR  
ALUMINUM

\* HULL MANUFACTURER  
ARMSTRONG

\* CABIN COLOR  
ALUMINUM

\* HULL COUNTRY  
UNITED STATES

\* TRIM COLOR  
GREY

\* **HULL MATERIAL**

4-ALUMINUM

Feb 11, 2017 12:44:31 PM

Printed By: H15DENTC from: OLNRO2

Received Time: 12:42:51 02-11-17 Source ORI: HI0020702  
Summary: ADLB: OLN: [REDACTED]  
View Message Details

DLNR02 00004 AT 12:42 02/11/2017  
RX01ADLB  
MRI-832461

Received Time: 12:42:51 02-11-17 Source ORI: HIOLN0000  
Summary: ADLB: OLN: [REDACTED]  
View Message Details

ADLB DRIVER LICENSE GENERAL ROOT INQUIRY ZADLB1M  
PF KEY DATE 02/11/17 12:43 TERM RY01  
P/L/U/T LICENSE SSN LIC STATUS BIRTHDATE CLASS CDL CTY LIC EXPIRES  
L [REDACTED] [REDACTED] ACTIVE [REDACTED] A LIC H [REDACTED]  
ENDORS XPS RSTR M MED-REC= Y

NAME MULLINS,SKY,KEELING  
LAST NAME MULLINS SUFFIX  
FIRST NAME SKY  
MIDDLE NAME KEELING

MAIL ADDRESS [REDACTED] 96771  
HOME ADDRESS [REDACTED] 96771

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

ISSUE DATE CARD DATE  
01/25/1988 01/27/2017

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

MRI 832462 IN: RX01ADLB 127 AT 11FEB2017 12:42:51  
OUT: DLNR02 2 AT 11FEB2017 12:42:51

Feb 16, 2017 1 15 43 PM

Printed By: H15DENTC from DLNR02

Received Time: 13:13:26 02-16-17 Source ORI: HI0020702  
Summary: M55L: LIC-[REDACTED] TYP=1  
View Message Details

DLNR02 00009 AT 13:13 02/16/2017  
RX05M55L  
MRI-946177

Received Time: 13:13:26 02-16-17 Source ORI: HILIC0000  
Summary: M55L: LIC-[REDACTED] TYP=1  
View Message Details

M55L/1 [REDACTED]

\* NOTICE OF TRANSFER PENDING \*

PLATE: [REDACTED] STATUS: I SPEC-PLT: EMBLEM: [REDACTED] EXPIR-DATE: 12 16  
VIN: [REDACTED] MAKE: DODG TYPE: PKUP YR-MODEL: 05 COLOR: O  
RO-NAME: LIANG JOYCELYN X PHON-CODE: L520J COUNTY: H  
RO-ADDRESS: [REDACTED] RO-CITY: HAKALAU HI 96710  
LO-NM: WELLS GARGO DLR SERVICE SF-EXP: 08 17 TCI-NO: 227TTD-15  
LO-ADDRESS: [REDACTED] LO-CITY: SACRAMENTO CA 95899  
1ST-SOLD: 01 10 06 DT-ISS: 12 22 15 TX-RT: F HVOC: TVB: BAD-CK: SP-VEH: 1  
NET-WT: 07570 GVW: 000000 EXMPT: FUEL: D ODOM: 070688 ODOM-EXC: N ODOM-DSC: N  
MO-TX: 12 TAK-COLL: 404.58 PENALTY-AMT: 0.00 PLT-EMB: 25.50 OT-PND: N  
PRI-PT: 508TSC XRF-PT: VO: N MO: N DUP-DT: LS-UDT: 01 06 17  
ELT KEY:  
F1:MPL F2:MOT F3:MCP F5:MFC F6:MAC F7:MCMT F10:MNR F11:MVRN F12:MFEE

MRI 946178 IN: RX05M55L 677 AT 16FEB2017 13:13:25  
OUT: DLNR02 6 AT 16FEB2017 13:13:26

**REPORT OF BOARDING**

DATE: 2-7-2017 BOARDING TIME: 0755

VESSEL DATA	VESSEL NUMBER HA 1973 CP		VESSEL NAME LAVA KAITI		HIN ACD33CA+H415		
	MAKE POWER CATAMARAN		POB	TYPE OF BOAT	PROPULSION	HULL MATERIAL	ENGINE COMPARTMENT
	MODEL YARDBUILT		ADULT SIZE 27	<input type="checkbox"/> Open M/B <input type="checkbox"/> Cabin M/B <input type="checkbox"/> Sail <input type="checkbox"/> Rowboat <input type="checkbox"/> Canoe/Kayak <input type="checkbox"/> Houseboat <input type="checkbox"/> Inflatable <input type="checkbox"/> Thriftcraft <input type="checkbox"/> Other (Specify)	<input 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 type="checkbox"/> Fiberglass <input type="checkbox"/> Rubber/Vinyl <input type="checkbox"/> Cement <input type="checkbox"/> Other (Specify) <input type="checkbox"/> Unknown	<input type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent req) FUEL COMPARTMENT <input type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent req) CONSTRUCTION <input type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent req)
	MODEL YR. 2015	NET TONS	LENGTH 33' 0"	CHILD SIZE			
HP HONDA 0/B	USE Commercial 2 Passengers 3 Passenger						

OWNER	NAME SHANE TURPIN				<input type="checkbox"/> OWNER WAS OPERATOR <input type="checkbox"/> OWNER ON BOARD NOT OPERATOR <input checked="" type="checkbox"/> OWNER NOT ON BOARD <input type="checkbox"/> RENTAL BOAT	
	ADDRESS 14-1115 POHOIKI RD				OPERATOR COURSES	
	CITY PAHOA	STATE HI	ZIP 96778	<input type="checkbox"/> None <input checked="" 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 SKY K. MULLINS				OPERATOR AGE IF UNDER 18:	
	ADD [REDACTED]				[REDACTED]	
	CITY	STATE HI	ZIP 96771	[REDACTED]		

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

VIOLATION (✓ INDICATES DEFICIENCY)	CITATION	UNSAFE CONDITION	CITATION
✓ CERTIFICATE NOT ONBOARD	062435LNR	UNSAFE CONDITIONS CREATING ESPECIALLY HAZARDOUS CONDITIONS, TERMINATED USE	
DECAL		OVERLOADED	
PERSONAL FLOTATION DEVICE		OVERPOWERED	
SOUND PRODUCING DEVICE		OTHER (SPECIFY):	
✓ FIRE EXTINGUISHER	062436LNR	OTHER (SPECIFY):	
BACKFIRE FLAME CONTROL		OTHER (SPECIFY):	
VENTILATION		OTHER (SPECIFY):	
NAV./ANCHOR LTS.			
VISUAL DISTRESS SIGNALS			
NEGLIGENT OPERATION			
OTHER (SPECIFY):		ACTION TAKEN	
		CORRECTED ON THE SPOT	
		WARNING ISSUED	
OTHER (SPECIFY):		✓ CITATION ISSUED	
		NO VIOLATION	

REMARKS (Continue on reverse, add extra sheets if necessary):  
 CITED FOR EXPIRED CERTIFICATE OF NUMBER AND INSUFFICIENT FIRE EXTINGUISHERS

BOARDING OFFICER'S NAME C. DENNE, CREOTTI	RANK CREOTTI	UNIT DOCARE	DISTRICT E. HAWAII
DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT DEPARTMENT OF LAND AND NATURAL RESOURCES STATE OF HAWAII		BOARDING OFFICER'S SIGNATURE 	

COPY

Unofficial Compilation

(b) The chairperson of the board of land and natural resources may cancel a certificate of number or withdraw a number issued to a vessel under this chapter even though the action occurs before the expiration date of the certificate and whether or not the certificate is surrendered to the issuing office. Certain causes for cancellation of certificates of number and withdrawing of number are:

- (1) Issuance of a marine document by the Coast Guard for the same vessel.
- (2) False or fraudulent certification in an application for number.
- (3) Failure to renew a certificate of number within one year of date of expiration.
- (4) If a vessel is lost, destroyed, abandoned, sunk or permanently removed from the State.
- (5) Other reasons when necessary and proper to carry out this chapter. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-10 Period of validity and renewal of certificate of number. (a) The original certificate of number initially issued to a vessel pursuant to this chapter shall continue in full force and effect for a period ending one year from the date of issuance of the certificate unless sooner terminated or discontinued in accordance with these rules.

(b) A certificate of number issued pursuant to this chapter may be renewed at any time within a ninety-day period preceding the expiration date. The same number shall be assigned if the renewal application is received within a year after the expiration date of the certificate of number.

(c) A certificate of number renewed prior to the expiration date shall be valid for a period ending one year from the date of expiration of the certificate being renewed. A certificate of number renewed after the date of expiration of the certificate being renewed shall be valid for a period ending one year from the date of the certificate being renewed.

Unofficial Compilation

(d) A renewal application received more than a year after the date of expiration of the certificate of number shall be treated in the same manner as an ~~application for an original number.~~

(e) A certificate of number is void after the date of expiration indicated thereon. [Eff 2/24/94]  
(Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-11 Owner required to report change of address, ownership, loss, destruction or abandonment of vessel.

(a) The owner of any vessel for which a certificate of number has been issued in accordance with this chapter shall notify the department in writing within seven days if:

- (1) The vessel is documented by the Coast Guard; lost, destroyed, abandoned, or sunk; or permanently removed from the State;
- (2) The owner transfers all or any part of the owner's interest in such vessel, other than a security interest to another person or persons; or
- (3) The owner's address no longer conforms to the address appearing on the certificate of number.

(b) The holder of a certificate of number, as a part of the notification, shall furnish the department with the holder's new address, if the holder's address no longer conforms to the address appearing on the certificate of number. If the change in status involves a transfer of ownership, the name and address of the new owner shall be included in the notification. A transfer by an owner is not effective until this section has been complied with and the owner has delivered possession of the vessel to the transferee.

(c) The certificate of number for a vessel shall terminate if:

- (1) The vessel is documented, lost, destroyed, abandoned, sunk, or permanently removed from the State; or

Unofficial Compilation

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART II

BOATING

CHAPTER 243 VESSEL EQUIPMENT REQUIREMENTS

Historical note

- §13-243-1 Equipment required by vessels on state waters
- §13-243-2 Marine sanitation devices
- §13-243-3 Liquified petroleum gas
- §13-243-4 Mufflers
- §13-243-5 Recognition of marine examination decals

Historical note. This chapter is based on vessel equipment requirements of the state boating rules, effective November 5, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

§13-243-1 Equipment required by vessels on state waters. (a) This chapter applies to all vessels that

Unofficial Compilation

are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel, except Hawaiian design racing canoes, racing shells, rowing sculls, and racing kayaks. Navigational lights, sound producing devices, personal flotation devices, ventilation, backfire flame control, and distress signals shall conform to the standards set forth in U. S. Coast Guard Navigation Rules, COMDTINST M16672.2B, of August 17, 1990 and as revised thereafter; U. S. Coast Guard Boating Standards Manual COMDTINST M16761.2B, dated March 26, 1991 and as revised thereafter; 33 CFR Parts 175, 177, 181, and 183; and 46 CFR Part 25 as they existed on October 1, 1992 and as revised thereafter. The standards above are incorporated in this chapter by reference. Copies may be obtained from the 14th Coast Guard District. They are also available for inspection at the division of boating and ocean recreation, department of land and natural resources, 333 Queen St., Suite 300, Honolulu, Hawaii.

(b) Notwithstanding the exemptions outlined in subsection (a), no person shall operate or anchor offshore a recreational vessel unless all children under the age of thirteen wear a properly fitted personal flotation device whenever the vessel is underway on the ocean waters or navigable streams of the state or when moored or anchored offshore in a non-designated offshore mooring area, unless the children are below decks or in an enclosed cabin.

(c) All thrill craft operators and passengers shall be required to wear a personal flotation device when riding a thrill craft.

(d) For purposes of this section, the term "vessel," excludes surfboards.

(e) Fines and penalties shall be as provided in sections 200-14, 200-14.5, and 200-25, HRS.

~~Prosecution of offenders shall be as provided by law.~~

[Eff 2/24/94; am 7/5/03] (Auth: HRS §§200-4, 200-14, 200-14.5, 200-24, §200-25) (Imp: HRS §§200-4, 200-14, 200-14.5, 200-24, §200-25)



TABLE 169.567(a)—Continued

Space protected	Total number extinguishers required	Type extinguishers permitted		Coast Guard classification
		Medium	Minimum size	
		Carbon dioxide _____	15 pounds _____	B-I.
		Dry chemical _____	10 pounds _____	
		Halon 1211 or 1301 _____	10 pounds _____	

(b) The Officer in Charge, Marine Inspection, may permit the use of any approved fire extinguishers, including semiportable extinguishers, which provide equivalent fire protection.

(c) All portable fire extinguishers installed on vessels must be of an approved type.

(d) Portable fire extinguishers must be stowed in a location convenient to the space protected.

(e) Portable fire extinguishers must be installed and located to the satisfaction of the Officer in Charge, Marine Inspection.

(f) Portable fire extinguishers which are required to be protected from freezing must not be located where freezing temperatures may be expected.

(g) Each vessel must carry spare charges for at least 50 percent of each size and variety of hand portable extinguishers required. For units that can not be readily recharged on the vessel, one spare extinguisher for each classification carried onboard must be provided in lieu of spare charges.

[CGD 83-005, 51 FR 897, Jan. 9, 1986; 51 FR 3765, Jan. 30, 1986]

**§ 169.569 Fire axes.**

(a) Each vessel must carry at least the number of fire axes set forth in Table 169.569(a). The Officer in Charge, Marine Inspection may require additional fire axes necessary for the proper protection of the vessel.

TABLE 169.569(a)

Length		Number of axes
Over	Not over	
	65	0
65	90	1
90	120	2
120	150	3
150		4

(b) Fire axes must be stowed so as to be readily available in the event of emergency.

(c) If fire axes are not located in the open or behind glass, they must be placed in marked enclosures containing the fire hose.

**Subpart 169.600—Machinery and Electrical**

**§ 169.601 General.**

(a) The regulations in this subpart contain requirements for the design, construction and installation of machinery on sailing school vessels.

(b) Machinery must be suitable in type and design for the purpose intended. Installations of an unusual type and those not addressed by this subpart are subject to the applicable regulations in Subchapter F (Marine Engineering) and Subchapter J (Electrical Engineering) of this chapter.

(c) The use of liquefied inflammable gases, such as propane, methane, butane, etc., as fuel, except for cooking purposes, is prohibited.

**INTERNAL COMBUSTION ENGINE INSTALLATIONS**

**§ 169.605 General.**

(a) Generators, starting motors, and other spark producing devices must be mounted as high above the bilges as practicable.

(b) Gages to indicate engine cooling water temperature, exhaust cooling water temperature and engine lubricating oil pressure must be provided and located in plain view.

(c) All electrical components of the engine must be protected in accordance with § 183.410 of Title 33, Code of Federal Regulations to prevent ignition of flammable vapors.

TABLE 169.567(a)—Continued

Space protected	Total number extinguishers required	Type extinguishers permitted		Coast Guard classification
		Medium	Minimum size	
		Carbon dioxide .....	15 pounds .....	B-II
		Dry chemical .....	10 pounds .....	
		Halon 1211 or 1301 .....	10 pounds .....	

(b) The Officer in Charge, Marine Inspection, may permit the use of any approved fire extinguishers, including semiportable extinguishers, which provide equivalent fire protection.

(c) All portable fire extinguishers installed on vessels must be of an approved type.

(d) Portable fire extinguishers must be stowed in a location convenient to the space protected.

(e) Portable fire extinguishers must be installed and located to the satisfaction of the Officer in Charge, Marine Inspection.

(f) Portable fire extinguishers which are required to be protected from freezing must not be located where freezing temperatures may be expected.

(g) Each vessel must carry spare charges for at least 50 percent of each size and variety of hand portable extinguishers required. For units that can not be readily recharged on the vessel, one spare extinguisher for each classification carried onboard must be provided in lieu of spare charges.

[CGD 83-005, 51 FR 897, Jan. 9, 1986; 51 FR 5785, Jan. 30, 1986]

**§ 169.569 Fire axes.**

(a) Each vessel must carry at least the number of fire axes set forth in Table 169.569(a). The Officer in Charge, Marine Inspection may require additional fire axes necessary for the proper protection of the vessel.

TABLE 169.569(a)

Over	Length		Number of axes
	Over	Not over	
		65	0
65		99	1
90		120	2
120		150	3
150			4

(b) Fire axes must be stowed so as to be readily available in the event of emergency.

(c) If fire axes are not located in the open or behind glass, they must be placed in marked enclosures containing the fire hose.

**Subpart 169.600—Machinery and Electrical**

**§ 169.601 General.**

(a) The regulations in this subpart contain requirements for the design, construction and installation of machinery on sailing school vessels.

(b) Machinery must be suitable in type and design for the purpose intended. Installations of an unusual type and those not addressed by this subpart are subject to the applicable regulations in Subchapter F (Marine Engineering) and Subchapter J (Electrical Engineering) of this chapter.

(c) The use of liquefied inflammable gases, such as propane, methane, butane, etc., as fuel, except for cooking purposes, is prohibited.

**INTERNAL COMBUSTION ENGINE INSTALLATIONS**

**§ 169.605 General.**

(a) Generators, starting motors, and other spark producing devices must be mounted as high above the bilges as practicable.

(b) Gages to indicate engine cooling water temperature, exhaust cooling water temperature and engine lubricating oil pressure must be provided and located in plain view.

(c) All electrical components of the engine must be protected in accordance with § 183.418 of Title 33, Code of Federal Regulations to prevent ignition of flammable vapors.

§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](#)

**DOCARE COMPLAINT & SUMMONS**

In the DISTRICT COURT of the JUDICIAL CIRCUIT, STATE OF HAWAII

Original / State / JUVENILE

NAME **MULLINS**

Current/Mailing Address / City, State, Zip

Place of Employment / School or Branch of Service / Job Title, Yr in school or Military Rank

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

Phone number (Days) / (Eve)

Did on or about this day of FEBRUARY, 17<sup>th</sup> about 7:55 PM

did operate/command Vehicle/Vessel: LAVA ALWAHINA

Vehicle/Vessel Make/Name: SAATCHI Type: PINK CAR Color: GRAY

at (location): POHOIKI BOAT RAMP

and did commit the offense of: REQUIRED EQUIPMENT VIOLATION

SECTION: 173-242-14(2)

EVIDENCE TAKEN: Yes (No)

DESCRIPTION OF EVIDENCE

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

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

Date of Issue: 2-7-2017 Time: 08:45 Hrs

Print Rank, First Initial, Last Name: C. DENTE

Complainant's Signature: [Signature] Badge/ID No: 236

Bail Forfeiture by Mail Permitted: Yes No

Your court appearance date is: DATE: MARCH 17th 2017 TIME: 9:30 AM COURTROOM: 2B

District Court / Family Court of PUNA HILLS JUDICIAL DISTRICT

OFFICER

17-744

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

INVESTIGATION # 17-0741-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 02/04/2017 08 30AM	Location Pohokai	Classification SBH COMMERCIAL USE PERMIT VIOLATION		Connecting Reports

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

A. COMPLAINT

Taken By: Craig Dente Reported Date/Time: 02/04/2017 08 30AM  
How Taken: Phone

Complainant: [REDACTED]  
Home  Work  Cell   
Phone: [REDACTED]  
Address: [REDACTED]

Incident Summary: Description: Commercial Use Permit Violation  
Suspect: Shane TURPIN  
Vehicle/Vessel: KAVA KAI II (HA1973CP)

Location: Pohokai Occured From: 02/03/2017 04 00PM  
Location Notes: Pohokai Boat Ramp Occured To:

B. REPORT CONTROL

Branch: Hawaii  
District: Puna  
Lead Investigator: Craig Dente  
Date Assigned: 02/28/2017 10 14PM

KONA \_\_\_\_\_ ST. PARKS \_\_\_\_\_  
HILO \_\_\_\_\_ DOBOR 3.8.17 \_\_\_\_\_  
KAMUELA \_\_\_\_\_ PROSECUTOR \_\_\_\_\_  
HONOLULU \_\_\_\_\_ FEDERAL \_\_\_\_\_  
AQUATICS \_\_\_\_\_ HP \_\_\_\_\_  
DOFAW \_\_\_\_\_ OECL \_\_\_\_\_  
LAND DIV \_\_\_\_\_

C. NOTES/DISPOSITION/OTHER INFO

CLOSED - RECORD ONLY // FORWARD COPY TO DOBOR

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

INVESTIGATION # 17-0741-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 02/04/2017 08 30AM	Location Pohoihi	Classification SBH: COMMERCIAL USE PERMIT VIOLATION		Connecting Reports

Investigation Report

BASIC	1 CLASSIFICATION SBH: COMMERCIAL USE PERMIT VIOLATION					2 SOURCE Phone		
	3 COMPLAINANT'S NAME [REDACTED]			4 SEX Male	5 RACE Hawaiian	6 AGE	7 BIRTH DATE	8 OCCUPATION
	9 ADDRESS [REDACTED]			10 PLACE EMPLOYED/SCHOOL ATTENDING			11 HOME	12 WORK
14 LOCATION OF INCIDENT/INTERSECTING STREET Pohoihi Boat Ramp					15 DATE/TIME OCCURRED 02/03/2017 04 00PM		16 DATE/TIME REPORTED 02/04/2017 08 30AM	

VEHICLES	17 TYPE Boat	18 YEAR 2015	19 MAKE Power Calamaran	20 MODEL Yardbuilt	21 COLOR Grey	22 LICENSE / HA No. HA1973CP	23 LENGTH -	24 STOLEN No
	25 REGISTERED OWNER Shane TURPIN		26 ADDRESS 141115 Pohoihi Rd, Pahoa, HI, 96778			27 HOME	28 WORK 808-966-4200	29 CELL [REDACTED]
	30 NOTES							
VEHICLES	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 Sky MULLINS			46 SEX Male	47 RACE	48 AGE	49 BIRTH DATE	50 OCCUPATION
	51 CATEGORY Suspect		52 ADDRESS [REDACTED]			53 HOME	54 WORK	55 CELL [REDACTED]
	56 NAME Shane TURPIN			57 SEX Male	58 RACE	59 AGE	60 BIRTH DATE	61 OCCUPATION
	62 CATEGORY Suspect		63 ADDRESS 141115 Pohoihi Rd, Pohoihi, HI, 96778			64 HOME	65 WORK 808-966-4200	66 CELL [REDACTED]
PEOPLE	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 DOCARE received multiple complaints of LAVA KAI II and LAVA ONE being operated out of Pohoihi Boat Ramp between 02-03-2017 and 02-05-2017 conducting passengers-for-hire boat tours to view the lava flow. At the time, the LAVA KAI II did not have a Commercial Use Permit to conduct Commercial Activity at Pohoihi Boat Ramp. Both boats are owned by suspect Shane TURPIN and operated under TURPIN's business, LAVA OCEAN TOURS.							
	INVESTIGATION CONTINUING							

WRITER	79 REPORT WRITTEN BY Denle, Craig	80 BADGE No. 236	81 DATE/TIME WRITTEN 02/26/2017 10:23PM	82 SIGNATURE OF WRITER <i>[Signature]</i>	83 DATE/TIME APPROVED 3/5/17	84 BADGE No. 19
	85 DISPOSITION					

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

INVESTIGATION # 17-0741 HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Dente	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/4/2017 8 30 00 AM	LOCATION Pohoki	CLASSIFICATION SBH COMMERCIAL USE PERMIT VIOLATION	CONNECTING REPORT(S)

Report Type:  Continuation of Report     Supplemental     Follow Up  
Date/Time Written: 03-03-2017 / 0830 hrs  
Written By: Dente, Craig

## Report

### ASSIGNMENT

While on duty as DOCARE 637 on 02-04-2017, at approximately 0800 hrs, I received two telephone complaints reporting that two boats owned by Shane TURPIN / LAVA OCEAN TOURS INC (LAVA KAI II and LAVAONE) were being operated out of Pohoki with passengers onboard, and that they believed TURPIN only had one Commercial Use Permit for Pohoki.

### TELEPHONE COMPLAINTS RECEIVED

On 02-04-2017, at approximately 0800 hrs, I received two complaints, nearly simultaneously; one from [REDACTED] and one from [REDACTED]. Both complainants reported that the LAVAONE (DOC NR 1249157) and LAVA KAI II (HA1973CP), both owned by Shane TURPIN / LAVA OCEAN TOURS INC were being operated, loaded with passengers, conducting several boat tours to view the lava, launching from Pohoki Boat Ramp. Both complainants stated that they would be willing to testify in court. [REDACTED] sent two photographs of the LAVA KAI II at the Kalapana Lava Flow, see photo log, photograph #1 and photograph #2.

### ADDITIONAL WITNESS IDENTIFIED AND INTERVIEWED

On 02-07-2017, while conducting a patrol at Pohoki, I interviewed a [REDACTED] who corroborated the statements made by [REDACTED] and [REDACTED] stating that he witnessed both the LAVAONE and LAVA KAI II departing from and returning to Pohoki Boat Ramp on numerous occasions from 02-03-2017 through 02-05-2017. At that time, [REDACTED] showed me photographs that he had taken on 02-04-2017 of both boats loaded with passengers. See photo log, photograph #3 and photograph #4.

### CONTACTED DOBOR – VERIFIED THAT LAVA KAI II DID NOT HAVE COMMERCIAL USE PERMIT

On 02-07-2017, at approximately 0715 hrs, I contacted Mr. Bill TAYLOR of Hawaii Island DLNR Division of Boating and Ocean Recreation. TAYLOR stated to me that he did not believe at the time, the LAVA KAI II had been issued a Commercial Use Permit from Pohoki, but he would check into it.

On 02-09-2017, I received an email from TAYLOR of DOBOR stating that the LAVA KAI II was not issued a Commercial Use Permit until 1302 hrs on 02-07-2017, so any commercial use of the LAVA KAI II prior to that was a violation.

### OBSERVED COMMERCIAL USE PERMIT VIOLATION

On 02-07-2017, at approximately 0755 hrs, I conducted a boarding of LAVA KAI II at Pohoki Boat Ramp, which at the time had 28 passengers onboard. The master, Sky MULLINS, was unable to produce a Commercial Use Permit at the time of the boarding. MULLINS did state that it was a commercial voyage with paying passengers onboard. Due to the uncertainty from DLNR DOBOR about whether or not the LAVA KAI II had a permit, I allowed the LAVA KAI II to depart Pohoki, after conducting the boarding and rectifying a critical safety discrepancy (missing one Type BII portable Fire Extinguisher). Refer to DOCARE reports 17-0737-HA, 17-0738-HA, and 17-0755-HA for more details.

(Continued on Next Page)

Dente, Craig  
Officer



236  
Badge No

03-03-2017 / 0830 hrs  
Date / Time

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

INVESTIGATION #  
17-0741-HA

DISTRICT  
Puna

LEAD INVESTIGATOR  
Craig Dente

KEY REPORT  
 Yes  No

DATE / TIME REPORTED  
2/4/2017 8:30:00 AM

LOCATION  
Pohoiki

CLASSIFICATION  
SBH COMMERCIAL USE PERMIT VIOLATION

CONNECTING REPORT(S)

## Report (Continued)

### WRITTEN COMPLAINTS SUBMITTED

On 02-13-2017, I met with [REDACTED] and his crewmember [REDACTED]. Both made written statements that they witnessed the LAVA KAI II and LAVAONE operating from Pohoiki, with passengers on both vessels, to see the lava flow off Kalapana, HI, making several trips, starting from evening tours on Friday 02-03-2017, and throughout the day, from morning until night on both Saturday 02-04-2017 and Sunday 02-05-2017. See attached statement forms.

### STATEMENT REQUESTED FROM LAVA OCEAN TOURS OWNER

On 02-17-2017, at approximately 0850 hrs, I contacted LAVA OCEAN TOURS INC truck driver Daniel KEALOHA to discuss his possible involvement. Prior to questioning KEALOHA, I conducted an Advice of Rights. KEALOHA stated that he did not understand his rights and felt uncomfortable answering questions or making a statement. At that point, I decided not to proceed with questioning him. See attached advice of rights form.

On 02-17-2017, at approximately 0930 hrs, I contacted Shane TURPIN to request a statement. TURPIN stated to me that he wanted to confer with his lawyer prior to answering any questions. I then notified TURPIN that I would email him the questions that I would like for him to answer, which would allow him to confer with his lawyer prior to answering; we both agreed that would be the best way to proceed.

On 02-18-2017, at approximately 1000 hrs, I sent an email to TURPIN to the email address that he requested, requesting a reply within 7 days, by 02-24-2017.

On 03-02-2017, at approximately 0959 hrs, 16 days after I sent the email, 10 days past the requested response date, I received an email from Mr. Kris LAGUIRE, an attorney representing TURPIN requesting more time to prepare a statement. I informed LAGUIRE that a reasonable amount of time had already passed, and that I would be concluding this report and forwarding it to DOBOR without a statement from TURPIN. I also informed LAGUIRE that this report would be appended with a statement from TURPIN in the event that one is ever received. See attached email.

### CONCLUSION

Based on witness statements by [REDACTED], [REDACTED], [REDACTED] and [REDACTED] and photographs submitted by [REDACTED] and [REDACTED] coupled with my own observation of LAVA KAI II operating from Pohoiki on 02-07-2017, it is clear that the LAVA KAI II was operated with passengers onboard from February 3<sup>rd</sup> through February 7<sup>th</sup> at Pohoiki Boat Ramp.

Although not uncooperative, TURPIN has been evasive and unwilling to be forthcoming with a reasonable explanation of why the LAVA KAI II was operated with passengers onboard during these times. Additionally, during the joint DOCARE / USCG boarding of LAVA KAI II on 02-07-2017, the LAVA KAI II's master, Sky MULLINS was unable to produce the vessel's required logbook of recent ocean voyages it had made. These circumstances, although not facts, lend credibility to the reasonable assumption that the multiple sea voyages the LAVA KAI II conducted between February 3<sup>rd</sup> and February 7<sup>th</sup> were, at least in part, passengers-for-hire commercial charter operations. In order to back this reasonable assumption with facts, the LAVA KAI II's logbook and/or LAVA OCEAN TOURS INC financial records would need to be examined.

**DISPOSITION: CLOSED – FORWARD TO DOBOR TO EVALUATE CASE FOR POSSIBLE CIVIL PENALTIES**

(End of Report)

Dente, Craig  
Officer

236  
Badge No.

03-03-2017 / 0830 hrs  
Date / Time



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

INVESTIGATION # 17-0741-HA	DISTRICT Puna	LEAD INVESTIGATOR Craig Denie	KEY REPORT [ X ] Yes [ ]
DATE / TIME REPORTED 2/4/2017 8 30 00 AM	LOCATION Pohoki	CLASSIFICATION SBH COMMERCIAL USE PERMIT VIOLATION	CONNECTING REPORT(S)

Report Description: Photo Log  
 Date/Time Taken: See Description  
 Taken By: See Description  
 Scene: Pohoki & Kalapana Lava Flow

Equipment: Cell Phone  
 Weather Conditions: Clear  
 Lighting: Natural  
 Focus: Auto

1 Depicts LAVAONE and LAVA KAI II at Kalapana Lava Flow together. Submitted by witness [REDACTED]. Witness reports date of photo 02-04-2017.



2 Depicts LAVA KAI II at Kalapana Lava Flow together. Submitted by witness [REDACTED]. Witness reports date of photo 02-04-2017.



3 Depicts LAVAONE and LAVA KAI II at Pohoki Boat Ramp. Both loaded with passengers. Submitted by witness [REDACTED]. Witness reports date of photo 02-04-2017.



4 Depicts LAVAONE and LAVA KAI II at Pohoki Boat Ramp. Both loaded with passengers. Submitted by witness [REDACTED]. Witness reports date of photo 02-04-2017.



STATEMENT FORM

STATE OF HAWAII  
DLNR/DOCARE

REPORT NUMBER: \_\_\_\_\_  
DISTRICT: \_\_\_\_\_  
CLASSIFICATION: \_\_\_\_\_  
DATE: \_\_\_\_\_

PAGE 1 OF 1 PAGES

STATEMENT OF \_\_\_\_\_

ADDRESS: \_\_\_\_\_

AGE: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_ SSN#: \_\_\_\_\_

RESIDENCE PHONE: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

I, \_\_\_\_\_, do freely and voluntarily provide the following statement:

On the dates of Feb 3, 4 and fifth witnessed the lava kai II being used for commercial use at the Mokuiki boat harbor along with lava one at one time. I also have seen the lava one & the lava kai II run commercial tours more than once a day on those days witnessed

I have read this statement prepared by \_\_\_\_\_, which consists of 1 [ ] typewritten [X] handwritten pages, and have been give the opportunity to make corrections thereon. I attest that this statement is true and correct, to the best of my knowledge, and that I give this statement freely and voluntarily without coercion or promise of reward.

SIGNED BY: \_\_\_\_\_ DATE: 2/13/17 TIME: 11:31 am

WITNESSED BY: Gerald Dunn DATE: 2/13/17 TIME: 11:32 AM

INVESTIGATOR: \_\_\_\_\_ DATE: 2-13-17 TIME: 11:32

STATEMENT FORM

STATE OF HAWAII  
DLNR/DOCARE

REPORT NUMBER: \_\_\_\_\_  
DISTRICT: \_\_\_\_\_  
CLASSIFICATION: \_\_\_\_\_  
DATE: \_\_\_\_\_

PAGE 1 OF 1 PAGES

STATEMENT OF (Name): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

AGE: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_ SSN#: \_\_\_\_\_

RESIDENCE PHONE: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

I, \_\_\_\_\_, do freely and voluntarily provide the following statement:

I witnessed the Lava Kai and Lava One operating out of  
Poloiki Boat Ramp on February 3, 4th, and 5th with passengers (Camera 11)

I have read this statement prepared by \_\_\_\_\_, which consists of \_\_\_\_\_ [ ] typewritten [  ] handwritten pages, and have been give the opportunity to make corrections thereon. I attest that this statement is true and correct, to the best of my knowledge, and that I give this statement freely and voluntarily without coercion or promise of reward.

SIGNED BY: \_\_\_\_\_ DATE: 2/13/17 TIME: 11:34 AM

WITNESSED BY: GERARD DUNN DATE: 2/13/17 TIME: 11:35 AM

INVESTIGATOR: \_\_\_\_\_ DATE: 2.13.17 TIME: 1135

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

ADVICE OF RIGHTS

Report/Citation # 17-0791-HA

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

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

The Advice of Rights was administered to DANIEL KALOHU

By C. DANTE  
Conservation Enforcement Officer

POHOKI 2-17-2017 0850  
Location Date Time

WAIVER OF RIGHTS

Initial

1. Do you understand the rights that I have just read to you? Yes  No
2. Do you want a lawyer now? Yes  No
3. Are you willing to answer questions and make a statement? Yes  No
4. Do you want a lawyer during this interview? Yes  No

Witness

[Signature]  
Subject's Signature

Date

Time

Date

Time

Refused to sign / / \_\_\_\_\_

All the foregoing was translated into \_\_\_\_\_

By \_\_\_\_\_

Remarks: \_\_\_\_\_

**Dente, Craig P**

---

**From:** Dente, Craig P <craig.p.dente@hawaii.gov>  
**Sent:** Thursday, March 02, 2017 10:06 AM  
**To:** kalaguire@aol.com  
**Subject:** Re: Request for Statement (Shane Turpin and Lava Ocean Tours)

Aloha Mr LaGuire,

It's been two weeks since I've requested it, and a week past when I requested it be submitted. My investigation will be completed tomorrow. I can append the report with your statement once it is received, but the investigation will be forwarded to DOBOR without your statement.

Craig Dente

Conservation Enforcement Officer

Dept. of Land & Natural Resources

East Hawaii Branch

Office: (808) 933-3460

Mobile: (808) 365-3274

---

**From:** [kalaguire@aol.com](mailto:kalaguire@aol.com)  
**Sent:** Thursday, March 2, 2017 9:59 AM  
**Subject:** Re: Request for Statement (Shane Turpin and Lava Ocean Tours)  
**To:** Dente, Craig P <[craig.p.dente@hawaii.gov](mailto:craig.p.dente@hawaii.gov)>  
**Cc:** <[lavaoceantours@gmail.com](mailto:lavaoceantours@gmail.com)>

Aloha Officer Dente:

I wanted to inform you that I will be meeting with Shane Turpin early next week to discuss your Request for Statement sent February 18 (see below) and we will be responding as soon thereafter as possible. I know that we were going to try and respond this week but due to my schedule, I was unable to arrange a conference with Shane until next week.

Thank you for your patience and understanding.

Kris LaGuire  
Attorney for Shane Turpin and Lava Ocean Tours

Kris A. LaGuire  
Attorney at Law  
Kukuau Plaza  
688 Kinoole Street, Suite 204  
Hilo, Hawai'i 96720

(808) 961-1080  
(808) 961-1082 (fax)

In a message dated 2/18/2017 10:24:41 A.M. Hawaiian Standard Time, [lavaoceantours@gmail.com](mailto:lavaoceantours@gmail.com) writes:

Here's the complaint issued to me

Shane

Sent from my iPhone

Begin forwarded message:

**From:** "Dente, Craig P" <[craig.p.dente@hawaii.gov](mailto:craig.p.dente@hawaii.gov)>  
**Date:** February 18, 2017 at 10:00:21 AM HST  
**To:** "[lavaoceantours@gmail.com](mailto:lavaoceantours@gmail.com)" <[lavaoceantours@gmail.com](mailto:lavaoceantours@gmail.com)>  
**Subject:** Request for Statement

Aloha Mr. Turpin,

I have been assigned to investigate multiple complaints DLNR DOCARE received between Friday February 3rd, 2017 and Sunday February 5th, 2017, which allege that the LAVA KAI II (HA-1973-CP) was operated out of Pohoiki Boat Ramp on those dates, with paying passengers onboard. Based on my preliminary research, the LAVA KAI II did not have a Commercial Use Permit for Pohoiki during that time. I am requesting a statement from you regarding the activities of the LAVA KAI II during this period of time.

The complaints imply that the LAVA KAI II was operated commercially out of Pohoiki without a DOBOR issued Commercial Use Permit to do so. The complaints amount to allegations which are non-criminal in nature, therefore I am not required to conduct a formal advice of rights to you. However, since civil penalties could be imposed, as a professional courtesy, I want to make sure that you understand that you are under no obligation to provide me with a statement, if you do choose provide a statement, that statement could be used against you in court or a civil proceeding, and that you may consult with a lawyer prior to providing a statement, if you choose to make one.

If you do choose to make a statement, I request that you address the following questions. Please keep in mind, you are not obligated to answer any or each of these questions.

1. Was the LAVA KAI II (HA-1973-CP) operated out of Pohoiki Boat Ramp between Friday February 3rd, 2017 and Sunday February 5th, 2017?
  - if so, who was the crew?
  - if so, was the crew paid to operate the LAVA KAI II?
  - if so, were there passengers onboard?
  - if so, who were the passengers?
  - if so, did the passengers pay money to go on a voyage?
  
2. Are you willing to provide trip logs of the LAVA KAI II (HA-1973-CP) for the period between Friday February 3rd, 2017 and Sunday February 5th, 2017?
  
3. Are you willing to provide records of financial transactions associated with the operation of the LAVA KAI II for the period between Friday February 3rd, 2017 and Sunday February 5th, 2017?

Please don't hesitate to call me if you have any questions. If at all possible, I request your reply be made prior to February 24th, 2017, so that I may conclude this matter in a timely manner.

Thank you.

Craig Dente  
Conservation Enforcement Officer  
Dept. of Land & Natural Resources  
East Hawaii Branch  
Office: (808) 933-3460  
Mobile: (808) 365-3274

## **Dente, Craig P**

---

**From:** Taylor, William E  
**Sent:** Thursday, February 09, 2017 8:13 AM  
**To:** Dente, Craig P  
**Cc:** Weller, James F; Kamakau, Lino M; Underwood, Ed R; Nahale, William K; Schmelz, Stephen C  
**Subject:** RE: Pohoiki Joint Operation Feb 7th  
**Attachments:** Permit in affect until 7Feb2017\_LAVAONE.pdf; Request to transfer vsI rcvd 4Feb2017.pdf; Permit issued on 7Feb2017\_LAVAKAI II.pdf

Craig,

There is not an allowable verbal agreement and must be issued a permit. If it is not in hand it is a violation of 13-231-51.

Please see the attached exhibits labeled as follows.

1. Permit in effect until 7Feb2017\_LAVAONE; This is the commercial permit that was issued and in effect until 1302 February 7, 2017 allowing the LAVAONE to operate commercially.
2. Request to transfer vsI rcvd 4Feb2017; this shows that Mr. Turpin submitted a request and supporting documents via email to William Nahale to transfer the LAVAKAI II to commercial permit #CR02855 on Saturday, February, 2017. This was not reviewed until Tuesday, February 7, 2017.
3. Permit issued on 7Feb2017\_LAVAKAI II; This shows that after this offices review the request was approved and commercial permit #CR02855 was issued allowing the LAVA KAI II to operate commercially as of 1303 February 7, 2017. The LAVA ONE is not authorized to operate commercially as of February 7. He does intend to transfer the vessel back. Again, he has to have the appropriate permit in hand.

In conclusion, any time the LAVA KAI II was operated commercially prior to 1303 February 7, 2013 would be a violation of 13-231-51. Authorization to operate commercially with that vessel was not given by this office and would constitute a violation of 13-231-51. If you can provide any/all further evidence of that vessel operating prior to February 7, 2013 would assist in building the Land Board submittal recommending suspension of his permit.

The other documented evidence (2692, citations, etc) I would use as aggravation. I am in the process of collecting the statement of non-reported loss of propulsion from Ocean Safety; CG is aware.

I'll stand by for your reports.

Aloha,  
Bill



2/25/2017

Online Vessel Registration Renewal | Division of Boating & Ocean Recreation

* REG. # (HA-XXXX-XX)	HULL ID	DECAL #	RAMP #	STATUS	EXP. DATE (MM/YY)
HA-1973-CP	ACD33CATK415	R08916	R37711(COM)	ACTIVE	06/17

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

**PRINCIPAL OWNER**

BUSINESS  
SHANE TURPIN DBA KOHALA TOURS

\* LAST NAME

\* FIRST NAME

MIDDLE NAME

DATE OF BIRTH (MM-DD-YYYY)

CONTACT PHONE XXX-XXX-XXXX  
808-990-0553

\* EMAIL  
KOHALATOURS@GMAIL.COM

\* CITIZENSHIP OF OWNER  
UNITED STATES

**MAILING ADDRESS**

\* STREET1  
14-1115 POHOIKI RD

\* CITY  
PAHOA

\* STATE  
HAWAII

\* ZIP CODE  
96778

\* COUNTRY  
UNITED STATES

PROVINCE

**STREET ADDRESS**

SAME AS MAILING ADDRESS

\* = REQUIRED

LAST UPDATED: 11-30-2016 10:35:01 AM, carol e yamaguchi

2/25/2017

Online Vessel Registration Renewal | Division of Boating & Ocean Recreation

* REG. # (HA-XXXX-XX)	HULL ID	DECAL #	RAMP #	STATUS	EXP. DATE (MM/YY)
HA-1973-CP	ACD33CATK415	R09916	R37711(COM)	ACTIVE	06/17

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

NO CO-OWNERS DEFINED.

* REG. # (HA-XXXX-JCX) HA-1973-CP	HULL ID ACD33CATK415	DECAL # R09916	RAMP # R37711(COM)	STATUS ACTIVE	EXP. DATE (MM/YY) 06/17
--------------------------------------	-------------------------	-------------------	-----------------------	------------------	----------------------------

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

NO LIEN HOLDER DEFINED.

* REG. # (HA-XXXX-XX) HA-1973-CP	HULL ID ACD33CATK415	DECAL # R09916	RAMP # R37711(COM)	STATUS ACTIVE	EXP. DATE (MM/YY) 06/17
-------------------------------------	-------------------------	-------------------	-----------------------	------------------	----------------------------

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

• **VESSEL**

NAME LAVAKAI 2	YEAR BUILT 2015	YEAR MODEL 2015	* FEET 33	* INCHES 00
HOME BUILT?				

• **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-1973-CP	HULL ID ACD33CATK415	DECAL # R09916	RAMP # R37711(COM)	STATUS ACTIVE	EXP. DATE (MM/YY) 06/17
-------------------------------------	-------------------------	-------------------	-----------------------	------------------	----------------------------

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

**RADIO COMMUNICATIONS**

4-BOTH

**PLACE VESSEL KEPT**

1-MOORED, 2-STORED ON LAND  
MOORED

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) HA-1973-CP	HULL ID ACD33CATK415	DECAL # R09916	RAMP # R37711(COM)	STATUS ACTIVE	EXP. DATE (MM/YY) 06/17
-------------------------------------	-------------------------	-------------------	-----------------------	------------------	----------------------------

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

---

**HULL**

\* NUMBER OF HULLS  
2

\* HULL MANUFACTURER  
ARMSTRONG

\* HULL COUNTRY  
UNITED STATES

\* HULL COLOR  
ALUMINUM

\* CABIN COLOR  
ALUMINUM

\* TRIM COLOR  
GREY

**\* HULL MATERIAL**

4-ALUMINUM

* REG. # (HA-XXXX-XX) HA-1973-CP	HULL ID ACD33CATK415	DECAL # R09916	RAMP # R37711(COM)	STATUS ACTIVE	EXP. DATE (MM/YY) 06/17
-------------------------------------	-------------------------	-------------------	-----------------------	------------------	----------------------------

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

**VESSEL NOTES**

TYPE	LAST UPDATED DATE	LAST UPDATED BY	STOLEN DATE	CONTENT
Other	11-30-2016	[REDACTED]	—	SENT BACK NO TAX ID# AND ID FOR SMITH, DANIEL
Other	04-23-2016	[REDACTED]	—	DUP DECAL/RP HWR/AV
Other	07-21-2015	[REDACTED]	—	06/16/2015 NEW REG/RAMP HAWAII BIG ISLAND

**TRANSFER NOTES**

TRANSFER NUMBER	TRANSFER OWNER	BILL OF SALE DATE	INPUT DATE	INPUTTED BY
-----------------	----------------	-------------------	------------	-------------

**PRIOR VESSEL REGISTRATION NUMBER**

PRIOR HA #	DATE	USER
HA-1085-K	Aug 11, 2015 11:34:19 AM	[REDACTED]

17-700

INVESTIGATION # 17-0755-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 07:55AM	Location Pohokai	Classification SBH COMMERCIAL USE PERMIT VIOLATION	Connecting Reports 17-0737-HA	

**Incident & Report Control Form** DOCARE-S (Rev. 8/03)

**A. COMPLAINT**

Taken By: Craig Dente Reported Date/Time: 02/07/2017 07:55AM  
 How Taken: On Boat

Complainant: Craig Dente  
 Home  Work  Call

Phone:  
 Address:

Incident Summary: Description: COMMERCIAL USE PERMIT VIOLATION  
 Suspect: LAVA OCEAN TOURS INC / Shane TURPIN  
 Vehicle/Vessel: LAVA KAI II (HA1973CP)

Location: Pohokai Occured From: 02/07/2017 07:55AM  
 Location Notes: Occured To:

**B. REPORT CONTROL**

Branch: Hawaii  
 District: Puna  
 Lead Investigator: Craig Dente  
 Date Assigned: 03/05/2017 02:14PM

KONA \_\_\_\_\_ ST. PARKS \_\_\_\_\_  
 HILO \_\_\_\_\_ DOBOR 3-8-17  
 KAMUELA \_\_\_\_\_ PROSECUTOR \_\_\_\_\_  
 HONOLULU \_\_\_\_\_ FEDERAL \_\_\_\_\_  
 AQUATICS \_\_\_\_\_ HP \_\_\_\_\_  
 DOFAW \_\_\_\_\_ OCCL \_\_\_\_\_  
 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 # 17-0755-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 07:55AM	Location Pohoiki	Classification SBH: COMMERCIAL USE PERMIT VIOLATION	Connecting Reports 17-0737-HA	

Investigation Report

BASIC	1 CLASSIFICATION SBH: COMMERCIAL USE PERMIT VIOLATION						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 02/07/2017 07:55AM		16 DATE/TIME REPORTED 02/07/2017 07:55AM

VEHICLES	17 TYPE Boat	18 YEAR 2015	19 MAKE Power Catamaran	20 MODEL Yardbuilt	21 COLOR Grey	22 LICENSE / HA No. HA1973CP	23 LENGTH	24 STOLEN No	
	25 REGISTERED OWNER Shane TURPIN			26 ADDRESS 141115 Pohoiki Rd, Pahoia, HI, 96778			27 HOME	28 WORK 808-966-4200	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 Sky MULLINS			46 SEX Male	47 RACE	48 AGE	49 BIRTH DATE	50 OCCUPATION	
	51 CATEGORY Suspect		52 ADDRESS				53 HOME	54 WORK	55 CELL
	56 NAME Shane TURPIN			57 SEX Male	58 RACE	59 AGE	60 BIRTH DATE	61 OCCUPATION	
	62 CATEGORY Suspect		63 ADDRESS 141115 Pohoiki Rd, Pohoiki, HI, 96778				64 HOME	65 WORK 808-966-4200	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	

78 SYNOPSIS

While on duty as DOCARE 637 on 02-07-2017 at approximately 0755 hrs, I was patrolling Pohoiki Boat Ramp. I observed the vessel LAVA KAI II, HA 1973 CP, loaded with 26 passengers and with her Captain onboard in the process of launching at the boat ramp from her boat trailer. I conducted a boarding of the vessel. The vessel's Captain, Sky MULLINS stated that he was conducting commercial lava tours, but could not produce the vessel's Commercial Use Permit for Pohoiki Boat Ramp. At the time, I issued a verbal warning to MULLINS, informing him that he was required to keep a copy of the vessel's Commercial Use Permit onboard, and have it available for inspection at all times. Refer to connecting report 17-0737-HA for more information on the boarding. After the boarding was completed, I allowed the LAVA KAI II to proceed on its voyage, with paying passengers onboard.

Following the boarding, I inquired with DOBOR Hawaii, Bill TAYLOR, if the LAVA KAI II had been issued a Commercial Use Permit for Pohoiki. I was informed by TAYLOR, that the LAVA KAI II owner, Shane TURPIN of LAVA OCEAN TOURS INC had applied to transfer the Pohoiki Commercial Use Permit from the LAVA ONE (DOC NR 1249157) to the LAVA KAI II (HA1973CP) a few days earlier, but the permit transfer had not yet been approved; so at the time, the LAVA KAI II was being operated without a Commercial Use Permit.

Based on the information listed above, I found that the LAVA KAI II was operated commercially at Pohoiki Boat Ramp without a Commercial Use Permit on the morning of 02-07-2017. Forward to DOBOR for possible Civil Penalties.

CLOSED - RECORD ONLY // FORWARD TO DOBOR

WRITER	79 REPORT WRITTEN BY Dente, Craig	80 BADGE No. 236	81 DATE/TIME WRITTEN 03/05/2017 02:29PM	82 DATE/TIME APPROVED Weller, James	83 DATE/TIME APPROVED 3-5-17	84 BADGE No. 19
	85 DISPOSITION					



**Taylor, William E**

---

**From:** Nahale, William K  
**Sent:** Wednesday, February 08, 2017 11:46 AM  
**To:** Taylor, William E  
**Subject:** FW: Vessel change  
**Attachments:** Commercial Application-1.pdf; Request for vessel change-1.pdf; Request for vessel change-2.pdf; Commercial Application-2.pdf

These are the apps and request for vessel change. The rest was located on BARS and pulled that way

ALOHA FOR NOW,

William K. Nahale  
Harbor Agent III - Kailua/Keauhou  
74-380 Kealakehe Parkway  
Kailua-Kona, HI 96740  
(808) 327-3685 (Office)  
(808) 327-3675 (Fax)  
(808) 217-3338 (Cell)

**From:** shane turpin [mailto:lavaoceanours@gmail.com]  
**Sent:** Saturday, February 04, 2017 4:45 AM  
**To:** Nahale, William K <william.k.nahale@hawaii.gov>  
**Subject:** Re: Vessel change

Aloha William,

Filled out what i could for now hoping you can fill in the blanks if not let me know and Ill get it done this morning just running off for a few trips this morning

Mahalo  
Shane

On Fri, Feb 3, 2017 at 2:45 PM, Nahale, William K <[william.k.nahale@hawaii.gov](mailto:william.k.nahale@hawaii.gov)> wrote:

Aloha Shane,

Attached below are the things needed to change the vessel on the permit for Pohoiki from Lavaone to Lavakai II:

Lavakai II to Pohoiki Permit – Commercial App filled out (Attached)

Request for vessel change (Attached)

Try and get this to me as soon as possible and I can change the vessel on the system, and when you get back and want to change it back, just let me know.

ALOHA FOR NOW,

William K. Nahale

Harbor Agent III - Kailua/Keauhou

74-380 Kealakehe Parkway

Kailua-Kona, HI 96740

(808) 327-3685 (Office)

(808) 327-3675 (Fax)

(808) 217-3338 (Cell)

--

Lava Ocean Tours, INC

808.966.4200


Book Online at [WWW.SEELAVA.COM](http://WWW.SEELAVA.COM)

## REQUEST FOR VESSEL CHANGE

1. PERMITTEE INFORMATION					
Date: <span style="border: 1px solid black; padding: 2px;">02 / 03 / 17</span> Permittee Name: <u>LAVA OCEAN TOURS, INC</u> Location: <u>POHOIKI RAMP</u>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center; padding: 2px;">OFFICE USE ONLY</th> </tr> <tr> <td style="padding: 2px;">Date Received</td> <td style="padding: 2px;">Received By</td> </tr> </table>	OFFICE USE ONLY		Date Received	Received By
OFFICE USE ONLY					
Date Received	Received By				
Account #: _____ Permit # _____ Ship #: _____					
2. CURRENT VESSEL INFORMATION					
Vessel Name: <u>LAVAONE</u>	Length Overall: <span style="border: 1px solid black; padding: 2px;">39</span> (feet) <span style="border: 1px solid black; padding: 2px;">6</span> (inches)				
Registration/ Doc. #: _____	Length Over Deck: <span style="border: 1px solid black; padding: 2px;">37</span> (feet) <span style="border: 1px solid black; padding: 2px;">6</span> (inches)				
Number of Hulls: <span style="border: 1px solid black; padding: 2px;">2</span>	Draft of Vessel: <span style="border: 1px solid black; padding: 2px;">3</span> (feet) <span style="border: 1px solid black; padding: 2px;">0</span> (inches)				
Hull Manufacturer: <u>ARMSTRONG MARINE</u>	Beam of Vessel: <span style="border: 1px solid black; padding: 2px;">13</span> (feet) <span style="border: 1px solid black; padding: 2px;">6</span> (inches)				
Vessel Type: <input checked="" type="checkbox"/> Open Motorboat <input type="checkbox"/> Cabin Motorboat <input type="checkbox"/> Houseboat <input type="checkbox"/> Runabout <input type="checkbox"/> Sailing Vessel <input type="checkbox"/> Barge <input type="checkbox"/> Platform <input type="checkbox"/> Dinghy/Skiff <input type="checkbox"/> Thrill craft <input type="checkbox"/> Other _____					
Transaction Date (i.e. lease termination, vessel sold): <span style="border: 1px solid black; padding: 2px;">12 / 1 / 13</span>					
Departure Date: <span style="border: 1px solid black; padding: 2px;">2 / 4 / 17</span>					
3. PROPOSED VESSEL INFORMATION					
Vessel Name: <u>LAVAKAI II</u>	Length Overall: <span style="border: 1px solid black; padding: 2px;">35</span> (feet) <span style="border: 1px solid black; padding: 2px;">0</span> (inches)				
Registration/ Doc. #: _____	Length Over Deck: <span style="border: 1px solid black; padding: 2px;">33</span> (feet) <span style="border: 1px solid black; padding: 2px;">0</span> (inches)				
Number of Hulls: <span style="border: 1px solid black; padding: 2px;">2</span>	Draft of Vessel: <span style="border: 1px solid black; padding: 2px;">3</span> (feet) <span style="border: 1px solid black; padding: 2px;">0</span> (inches)				
Hull Manufacturer: <u>ARMSTRONG MARINE</u>	Beam of Vessel: <span style="border: 1px solid black; padding: 2px;">12</span> (feet) <span style="border: 1px solid black; padding: 2px;">0</span> (inches)				
Vessel Type: <input checked="" type="checkbox"/> Open Motorboat <input type="checkbox"/> Cabin Motorboat <input type="checkbox"/> Houseboat <input type="checkbox"/> Runabout <input type="checkbox"/> Sailing Vessel <input type="checkbox"/> Barge <input type="checkbox"/> Platform <input type="checkbox"/> Dinghy/Skiff <input type="checkbox"/> Thrill craft <input type="checkbox"/> Other _____					
Transaction Date (i.e. lease execution, vessel purchased): <span style="border: 1px solid black; padding: 2px;">6 / 1 / 14</span>					
Arrival Date: <span style="border: 1px solid black; padding: 2px;">2 / 4 / 17</span>					

**4. AGREEMENT & SIGNATURE**

I/We hereby certify under penalty of law that the foregoing is true and correct. I agree to comply with the provisions of the Hawai'i Administrative Rules as promulgated by the Division of Boating and Ocean Recreation applicable to this permit.

  
Signature of Permittee

/  /   
Date

**FOR DEPARTMENT USE ONLY**

**State of Hawai'i**  
**Department of Land & Natural Resources - Division of Boating & Ocean Recreation**  
**Honokohau Small Boat Harbor**  
**74-380 Kealahou Parkway, Kailua-Kona, Hawai'i 96740**  
**Tel: (808) 327-3675 \* Fax: (808) 327-3685**

Slip Size Designation: Romp

Replacement Deadline:  /  30 days

Additional Notes: approved

Approved: 

Date:  /  /



**APPLICATION FOR  
COMMERCIAL USE PERMIT**  
Division of Boating and Ocean Recreation  
Department of Land and Natural Resources, State of Hawaii

Honokohau Small Boat Harbor, State of Hawaii  
74-380 Kealahou Parkway  
Kailua-Kona, HI 96740  
Phone: (808) 327-3685  
Fax: (808) 327-3675



**1. PERMIT INFORMATION**

Island (✓one):  Hawaii  Kauai  Lanai  Maui  Molokai  Oahu  
 Location: **POHOIKI** Mooring Account #:   
 Usage Type (✓one):  Ramp  Operational Area Use  Vessel Moored Elsewhere  Revocable  
 Inter-Island Passenger vessel  Charter Bare Bottom Boat  Charter Sail  
 Mooring  Underwater Film/Photo

**OFFICE USE ONLY**  
Date Received  
Received By

**2. APPLICANT INFORMATION (Responsible Party)**

Name (Last): **TURPIN** (First): **SHANE** (M.I.): **D** Suffix:  
 Date of Birth:  Gender:  Female  Male Occupation: **CAPTAIN**  
 Employer: **LAVA OCEAN TOURS**  
 Phone (business):  (mobile):  Email: **LVAOCEANTOIRS@GMAIL.COM**  
 Mailing Address: **14-1115 POHOIKI RD** Apt #:   
 City: **PAHOA** State: **HI** Zip Code:   
 Billing Address (if different than as Mailing Address): Apt #:   
 City: State: Zip Code:

**3. BUSINESS INFORMATION**

Business Name: **LAVA OCEAN TOURS** Website: **SEELAVA.COM**  
 Business Role of Contact Person:  Owner  Co-owner  Corporate Officer  
 Contact Name (Last): **TURPIN** (First): **SHANE** (M.I.): Suffix:  
 Date of Birth:  Phone (business):  Phone (mobile):   
 Business Address: **14-1115 POHOIKI RD** Apt #:   
 Address Line 2:  
 City: **PAHOA** State: **HI** Zip Code:

**4. VESSEL OWNER INFORMATION**

check if same as Applicant  
 Owner's Name (Last): (First): (M.I.): Suffix:  
 Date of Birth:  Phone:  
 Owner Address: Apt #:   
 Address Line 2:  
 City: State: Zip Code:



## APPLICATION FOR COMMERCIAL USE PERMIT (Continued)

### 5. VESSEL INFORMATION

Vessel Name: **LAVAKAI II** Port of Registry: **POHOIKI**

Documentation Type:  Registration  Coast Guard Documentation

Registration / Doc. #:  Expiration Date:  /  /

Hull Manufacturer: **ARMSTRONG MARINE** Year Built:  Length Overall:  (feet)  (inches)

Hull ID#:  Number of Hulls:  Length Over Deck:  (feet)  (inches)

Hull Color: **BLACK** Cabin Color: **ALUM** Draft of Vessel:  (feet)  (inches)

Top Deck Color: **GREY** Trim Color: **ALUM** Beam of Vessel:  (feet)  (inches)

Master of Vessel: **SHANE TURPIN** Tonnage License #: **100 TON**

Passenger Capacity:  Re-Certification Due Date:  /  /

This vessel is currently located ( one and complete):

In a Berth at (Harbor):  in (Berth Number):

Moored / Anchored on (Island):  at (Location):

On a Trailer on (Island): **BIG ISLAND** at (Location): **POHOIKI**

### 6. VESSEL TYPE AND PROPULSION

Vessel Type ( one):  Open Motorboat  Motor Vessel (more than 65)  Sailing Vessel  Houseboat  Runabout  
 Auxiliary Powered Sailing Vessel  Cabin Motorboat  Thrilleraft  Dinghy or Skiff  
 Barge  Platform  Other:

Principle Use ( one):  Pleasure  Charter Fishing  Commercial Fishing  Commercial Passenger  Charter Bare Boat  
 Dealer  Manufacturer  Charter Sail  Water Taxi  Other Commercial:

Primary Propulsion Type ( one):  Power  Sail  None  Other:

If Power: Engine Type(s) ( one):  Outboard  Inboard  Outboard / Inboard  Manual  None  Other:

Engine Manufacturer: **HONDA** Horsepower:  Number of Engines:

If Sail: Rigging Type:  Sloop  Schooner  Three-Masted Schooner  Four-Masted Schooner  Ketch  Brig  
 Brigantine  Barque  Barquentine  Fully Rigged Ship  Snow  Yawl  Cutter  Clipper

Auxiliary Propulsion for Sail:  
 Engine Type(s) ( one):  Outboard  Inboard  Outboard / Inboard  None  
 Engine Manufacturer:  Horsepower:  Number of Engines:

Fuel Type ( one):  Gasoline  Diesel  Electric  Other (specify):

### 7. AGREEMENT & SIGNATURE

I agree to comply with the provisions of the Hawaii Administrative Rules as promulgated by the Division of Boating and Ocean Recreation applicable to this permit.

*Shane Turpin*  
Signature of Applicant

Date



VESSEL NUMBER

DATE OF ISSU

HA 1973CF

06/14/76

State of Hawaii

Department of Land and Natural Resources

TEMPORARY CERTIFICATE OF NUMBER  
(VALID FOR 60 DAYS FROM THE DATE OF ISSU)

AND

PERMANENT VESSEL NUMBER

1. Vessel Name

2. State

3. Type

LAUREL DEER TRAWLS, INC.

HI

GRABBER

4. Street Address or Box Number

5. City

6. Zip

14-1115 PEARL RD.

HA

96778

7. Hull No.

8. State

9. Type

33

HI

6778

10. Length

11. Tonnage

12. Buoy No.

13. Buoy No.

14. Buoy No.

15. Buoy No.

6

3

3

3

3

3

16. Vessel Identification Number

17. Agent

18. State

19. State

AU03XATV415

HI

HI

HI

HI

20. No. of Deck

21. No. of Deck

22. No. of Deck

23. No. of Deck

24. No. of Deck

25. No. of Deck

20.00

20.00

20.00

20.00

20.00

20.00

26. Hull No.

27. State

28. Type

29. State

30. Type

31. State

32. Type

5218

HI

GR

HI

GR

GR

33. Reg. Decal No.

34. Reg. Decal No.

35. Reg. Decal No.

36. Reg. Decal No.

37. Reg. Decal No.

38. Reg. Decal No.

RO9916

617

617

617

617

617

39. Reg. Decal No.

40. Reg. Decal No.

41. Reg. Decal No.

42. Reg. Decal No.

43. Reg. Decal No.

44. Reg. Decal No.

RO9916

617

617

617

617

617

45. Reg. Decal No.

46. Reg. Decal No.

47. Reg. Decal No.

48. Reg. Decal No.

49. Reg. Decal No.

50. Reg. Decal No.

RO9916

617

617

617

617

617

51. Reg. Decal No.

52. Reg. Decal No.

53. Reg. Decal No.

54. Reg. Decal No.

55. Reg. Decal No.

56. Reg. Decal No.

RO9916

617

617

617

617

617

57. Reg. Decal No.

58. Reg. Decal No.

59. Reg. Decal No.

60. Reg. Decal No.

61. Reg. Decal No.

62. Reg. Decal No.

RO9916

617

617

617

617

617

63. Reg. Decal No.

64. Reg. Decal No.

65. Reg. Decal No.

66. Reg. Decal No.

67. Reg. Decal No.

68. Reg. Decal No.

RO9916

617

617

617

617

617

69. Reg. Decal No.

70. Reg. Decal No.

71. Reg. Decal No.

72. Reg. Decal No.

73. Reg. Decal No.

74. Reg. Decal No.

RO9916

617

617

617

617

617

75. Reg. Decal No.

76. Reg. Decal No.

77. Reg. Decal No.

78. Reg. Decal No.

79. Reg. Decal No.

80. Reg. Decal No.

RO9916

617

617

617

617

617

Coast Guard Vessel Documentation

Data found in historical database no longer in Documentation.

Vessel Name:	LAVAKAI II	USCG Doc. No.:	1256473
Vessel Service:	PASSENGER (INSPECTED)	IMO Number:	*
Trade Indicator:	Coastwise Unrestricted, Registry	Call Sign:	WDC7497
Hull Material:	ALUMINUM	Hull Number:	ACD33CATK415
Ship Builder:	*	Year Built:	2014
		Length (ft.):	33
Hailing Port:	PAHOA HI	Hull Depth (ft.):	2 3
Owner:		Hull Breadth (ft.):	12
		Gross Tonnage:	3
		Net Tonnage:	3
Documentation Issuance Date:	*	Documentation Expiration Date:	*
Previous Vessel Names:	No Vessel Name Changes	Previous Vessel Owners:	KAILUA BAY WATERSPORTS LLC KAILUA BAY WATERSPORTS LLC



United States of America  
Department of Homeland Security  
United States Coast Guard

Certification Date 15 Dec 2015  
Expiration Date 15 Dec 2020

# Certificate of Inspection

For steps on information on how this certificate fulfills the requirements of 33 CFR 174.14, visit [www.uscg.mil](http://www.uscg.mil) or call 1-800-421-6743.

Vessel Name	Official Number	ISM Number	Call Sign	Service
LAVAKAI II	1256473		WDC7497	Passenger (Inspected)

Home Port	Material	Horsepower	Propulsion
PAHOA, HI	Aluminum	500	Gasoline Outboard
UNITED STATES			

Place Built	Delivery Date	Keel Laid Date	Build Type	Fast Ties	CGWT	Length
PORT ANGELES Washington	14Oct2014	10Aug2014	W3	4:1		23.0
UNITED STATES						

Owner	Operator
KAILUA BAY WATERSPORTS LLC 14-115 POHOIKI ROAD PAHOA, HI 96778 UNITED STATES	KAILUA BAY WATERSPORTS LLC 14-115 POHOIKI ROAD PAHOA, HI 96778 UNITED STATES

This vessel must be manned with the following licensed and unlicensed Personnel Included in which there must be 0 Certified Lifeboatmen, 0 Certified Tankermen, 0 HSC Type Rating, and 0 GMDSS Operators

1 Masters	0 Licensed Mates	0 Chief Engineers	0 Qualified Member Engineer Depts
0 Chief Mates	0 First Class Pilots	0 First Assistant Engineers	0 Oilers
0 Second Mates	0 Radio Officers	0 Second Assistant Engineers	2 Crew Members
0 Third Mates	0 Able Seamen	0 Third Assistant Engineers	
0 Master First Class Pilots	0 Ordinary Seamen	0 Licensed Engineers	
0 Mate First Class Pilots	1 Deckhands	0 Non Licensed Engineer Depts	

In addition, this vessel may carry 26 Passengers, 0 Other Persons in crew, 0 Persons in addition to crew, and no Others. Total Persons allowed 28

**Route Permitted And Conditions Of Operation**  
**---Lakes, Bays, and Sounds plus Limited Coastwise---**  
 PACIFIC OCEAN, STATE OF HAWAII, ISLAND OF HAWAII, NOT MORE THAN 20 MILES FROM A HARBOR OF SAFE REFUGE SOUTHERN AND WESTERN COASTS OF THE ISLAND OF MAUI BETWEEN A LINE EXTENDING NORTH BY NORTHWEST FROM LIPOA POINT TO A LINE EXTENDING SOUTHWEST FROM CAPE HANAMANUIA, NOT MORE THAN 20 MILES FROM A HARBOR OF SAFE REFUGE ISLAND OF LANAI, NOT MORE THAN 20 MILES FROM A HARBOR OF SAFE REFUGE SOUTHERN COAST OF THE ISLAND OF MOLOKAI BETWEEN A LINE EXTENDING DUE SOUTH FROM LAU POINT TO A LINE EXTENDING SOUTH BY SOUTHEAST FROM CAPE HALAWA, NOT MORE

\*\*\*SEE NEXT PAGE FOR ADDITIONAL CERTIFICATE INFORMATION\*\*\*

With this inspection for Certification having been completed at Kawaihae Hawaii UNITED STATES, the Officer in Charge, Marine Inspection, Honolulu certified the vessel, in all respects, is in conformity with the applicable vessel inspection laws and the rules and regulations prescribed thereunder.

Annual/Periodic/Re-Inspection				This certificate issued by U S MULLINS, CDR, USCG, BY DIRECTION
Date	Zone	A/P/R	Signature	
				Officer in Charge, Marine Inspection Honolulu
				Inspection Zone



United States of America  
Department of Homeland Security  
United States Coast Guard

Certification Date	15 Dec 2015
Expiration Date	15 Dec 2020

# Certificate of Inspection

USCG Form 1-1999A (1)

**\*Fire Extinguishers - Hand portable and semi-portable\***

Quantity	Class Type
2	B-II

\*\*\*END\*\*\*



# CERTIFICATE OF MARINE / ENERGY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> The United States Agency, Inc. 2000 NW Washington St Ft. Lauderdale, FL 33309-4444	<b>CONTACT NAME</b> Lisa Bates
	<b>PHONE (A.C. No, Ext)</b> (954) 444-2170
	<b>E-MAIL ADDRESS</b> Lisa.Bates@usa.com
	<b>PRODUCER CUSTOMER ID #</b> 1000000000
	<b>INSURER(S) AFFORDING COVERAGE</b>
	<b>NAIC #</b>
<b>INSURED</b> The United States Agency, Inc. 2000 NW Washington St Ft. Lauderdale, FL 33309-4444	<b>INSURER A</b> The United States Agency, Inc.
	<b>INSURER B</b> The United States Agency, Inc.
	<b>INSURER C</b>
	<b>INSURER D</b>
	<b>INSURER E</b>
	<b>INSURER F</b>

**COVERAGES**

CERTIFICATE NUMBER: 1000-4781-

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTH	TYPE OF INSURANCE	ADBL/SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>HULL AND MACHINERY</b>					
	COLLISION LIABILITY					
	TOWAGE LIABILITY					
	<b>PROTECTION AND INDEMNITY</b>					
	CREW LIABILITY					
	TOUCHDOWN LIABILITY					
	REMOVAL OF WRECK					
	IN REM					
	<b>POLLUTION LIABILITY</b>					
	OWB/SA					
	OP/CLA					
	OP/TKA NON-LEADER					
	<b>MARITIME EMPLOYERS LIABILITY</b>					
	ALTERNATE EMPLOYER					
	INCL. CREW					
	ON-BOARD					
	ON THE HIGH SEAS					
	W/ENDORSEMENT					

**CERTIFICATE HOLDER****CANCELLATION**

SHOULD ANY OF THE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF BOATING AND OCEAN RECREATION

COMMERCIAL USE QUESTIONNAIRE

Company Name: Lava Ocean Tours Inc

Company Representative Name/Title: Shawn Teppin

Complete Address: 14-1115 Pohoiki Rd

Office #: 916-4200 Cell #: XXXXXXXXXX

Email: lava.ocean.tours@gmail.com

1. What type(s) of commercial activity do you propose to conduct: coastal tours

2. List all locations where you are proposing to conduct commercial activity, the specific activity for each location and what equipment you will be utilizing.

Location	Activity	Equipment
Pohoiki		
South - Kapu Pali		
North - Hilo		

3. How do you plan to access the water? (Please indicate for each location whether you are accessing through private or public land, state or county, etc.)

Alkali Ramp

---



---



---

4. Does your method of access for any of the locations at which you want to operate require a permit or permission from the landowner(s)?

Yes       No

5. If your answer to question 4 above was "yes", what type of permit/permission do you possess and who is the issuing entity?

Location	Landowner <i>Name of Individual or Entity</i>	Type of Permit/Permission <i>Include any Permit #'s if applicable</i>	Telephone Number <i>Best contact for the issuing entity</i>

6. Please submit the following documents concurrently with your commercial use permit application for the division's review:

- General Excise Tax License
- Certificate of commercial insurance policy naming the State of Hawaii as an additional insured, containing sufficient coverage limits and meeting all other requirements as outlined in Hawaii Administrative Rules § 13-231-65
- Certificate of Good Standing from Hawaii Department of Commerce and Consumer Affairs (DCCA, BREG), if applicable
- PUC for vehicle(s), if applicable
- Vessel Certificate of Inspection or approved marine survey, if applicable
- Vessel Documentation and/or Vessel Registration, if applicable
- Other: \_\_\_\_\_

Applicant's Signature:  \_\_\_\_\_ Date: 6/15/16

**DOBOR STAFF**

Date Reviewed: \_\_\_\_\_

Reviewed By: \_\_\_\_\_ Title: \_\_\_\_\_

Recommendations or Remarks:  
\_\_\_\_\_  
\_\_\_\_\_

Last Updated 9/24/2015



COVERAGES

CERTIFICATE NUMBER: 0101010101

INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBR INSD. WVD	POLICY NUMBER	POLICY EFF (MM DD YYYY)	POLICY EXP (MM DD YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY MARINE GENERAL LIABILITY CLAIMS MADE OCCUR					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS-COMP OP AGG \$
	GEN L AGGREGATE LIMIT APPLIES PER POLICY PRO-JECT LOC OTHER					\$ \$ \$
	AUTOMOBILE LIABILITY ANY AUTD SCHEDULED AUTOS ALL OWNED AUTOS NON-OWNED AUTOS HIRED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROPRIETOR PARTNER EXECUTIVE OFFICER MEMBER EXCLUDED? <input type="checkbox"/> (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below ALTERNATE EMPLOYER N A US&H ENDORSEMENT MARITIME EMPLOYERS LIABILITY OCSL ACT	Y N <input type="checkbox"/>				PER STATUTE OTH ER E L (Each accident) \$ E L DISEASE (Ea employee) \$ E L DISEASE POLICY LIMIT \$
	U.S. LONGSHORE & HARBOR WORKERS COMPENSATION ACT ALTERNATE EMPLOYER MARITIME EMPLOYERS LIABILITY OCSL ACT	N A				PER STATUTE OTH ER E L (Each accident) \$ E L DISEASE (Ea employee) \$ E L DISEASE ANN AGG \$
	AIRCRAFT LIABILITY OWNED AIRCRAFT NON-OWNED AIRCRAFT PASSENGER LIABILITY					EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	UMBRELLA EXCESS LIAB BUMBERSHOOT UMBRELLA BUMBERSHOOT EXCESS CLAIMS MADE OCCUR DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	ENERGY CONTROL OF WELL OPERATORS EXTRA EXPENSE CARE, CUSTODY AND CONTROL (CCC) OFFSHORE OIL AND GAS PROPERTY PLATFORMS PIPELINES ONSHORE OIL AND GAS PROPERTY OIL & GAS PROPERTY CONTRACTORS EQUIPMENT NAMED WINDSTORM CCC OFF-SHORE ON-SHORE					CSL ANY ONE OCCURRENCE (100% interest) \$ ANY ONE OCCURRENCE (100% interest) \$ VALUES AS SCHEDULED \$ VALUES AS SCHEDULED \$ \$ VALUES AS SCHEDULED \$ VALUE AS SCHEDULED \$ \$ AGGREGATE \$
	VESSEL(S)	AS PER ATTACHED SCHEDULE	AS DETAILED IN THE DESCRIPTION OF OPERATIONS			
<p>DESCRIPTION OF OPERATIONS LOCATIONS (ACORD 101, Additional Remarks Schedule, may be attached, if more space is required) With respect to Hull &amp; Machinery, Protection &amp; Indemnity and Pollution Liability coverages, the Certificate holder is to be included as an Additional Assured in the certificate. All coverages are subject to the terms, conditions and exclusions of the applicable policy forms. LAWA NE 1004010101; LAWARA 1004010101; BUB 1004010101; LAWV 1004010101; LAWV 1004010101; LAWV 1004010101</p>						

**Taylor, William E**

---

**From:** Nahale, William K  
**Sent:** Wednesday, February 08, 2017 9:54 AM  
**To:** shane turpin  
**Subject:** RE: Permit and addendums  
**Attachments:** Request for vessel change.pdf; Commercial Application.pdf

Aloha Shane,

I do not have the file in hand or have any current documentation for the Lavaone to put the vessel back onto the Pohoiki permit. I also haven't been to Wailoa in some time. Attached are the requirements we need in order to conduct a vessel change. We will need to have these documents sent over and a permit generated, and signed before we can change back the permit.

Change of vessel form (Attached)  
Commercial Application (Attached)  
Registration or USCG Documentation  
Inspection  
Insurance covering Lavaone

ALOHA FOR NOW,

William K. Nahale  
Harbor Agent III - Kailua/Keauhou  
74-380 Kealakehe Parkway  
Kailua-Kona, HI 96740  
(808) 327-3685 (Office)  
(808) 327-3675 (Fax)  
(808) 217-3338 (Cell)

**From:** shane turpin [mailto:lavaoceantours@gmail.com]  
**Sent:** Tuesday, February 07, 2017 1:37 PM  
**To:** Nahale, William K <william.k.nahale@hawaii.gov>  
**Subject:** Re: Permit and addendums

Thanks I will need these transferred back on Tuesday February 14th. So let's get the process started.

During scheduled recreational events such as fishing tournaments, yacht races, etc., vessels operating under commercial permits may be required to adjust their schedules for use of harbor facilities and/or temporarily cease using harbor facilities commercially by proper authority.

The permittee agrees to notify the Department in writing of any change in master or captain of the vessel within 7 days of the date of change.

The permittee shall at all times use due care for public safety and shall defend, hold harmless and indemnify the State, its officers, agents and employees from and against all claims or demands for damages, including claims for property damage, personal injury or death arising out of or incident to the operation or mooring of said vessel.

The permit charges are for the privilege of operating this commercial vessel in POHOIKI RAMP in the manner stated above. Any other use of harbor property and services must be requested and approved separately.

This permit shall not exceed one year from 02/07/17 and unless it is renewed before the expiration date, the permit shall expire on 02/03/2017. Before renewal, harbor authorities must sight the permittee's latest annual General Excise/Use Tax return to the State of Hawaii and all fees and charges due paid in full.



PERMITTEE/OFFICER

14-1115 POHOIKI RD.

PAHOA, HI 96778

ADDRESS

DATE: \_\_\_\_\_

PHONE NO. 808-966-4200/808-990-0553

PAYMENT RECEIVED: \$5.00

APPROVED:

RECEIPT NO: BARS

DEPT. OF LAND AND NATURAL RESOURCES  
DIVISION OF BOATING AND OCEAN RECREATION

BY:



Boating Permits & Attachments.pdf



## DIVISION OF BOATING AND OCEAN RECREATION

Department of Land and Natural Resources, State of Hawaii

Wailoa Small Boat Harbor

75 Aupuni Street, Room #210, Hilo, HI 96720

Phone: (808) 933-0414 • Fax: (808) 933-0415



Permit Number:

Account Number:

# COMMERCIAL USE

## Pohoiki, Hawaii

Permittee: Lava Ocean Tours, Inc.

Effective Date:

Business Name: Lava Ocean Tours, Inc.

Permit Expiration Date:

Vessel Name: LAVAKAI II

Vessel Doc Type: Registration

Vessel Doc #: HA 1973 CP

Vessel Type: Open Motorboat

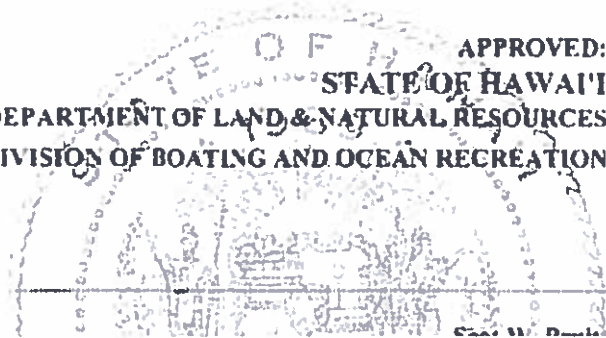
Vessel Use Type: Commercial Passenger

Vessel Length Overall: 35 feet 0 inches

Passenger Capacity: 28

POHOIKI RAMP

APPROVED:  
STATE OF HAWAII  
DEPARTMENT OF LAND & NATURAL RESOURCES  
DIVISION OF BOATING AND OCEAN RECREATION



Sent from my iPhone

On Feb 7, 2017, at 1:03 PM, Nahale, William K <[william.k.nahale@hawaii.gov](mailto:william.k.nahale@hawaii.gov)> wrote:

Aloha Shane,

Attached are the permit and addendums for the vessel change from Lavaone to Lavakai II on your Pohoiki permit. Every time you would like to change your vessel, we will have to go through this process. Also try to give us at least (7) days in advance so we can review the paperwork and make the change. Please sign the permits and addendums and send them back for signature via e-mail, and send the permits with original signatures via mail. If you have any questions, feel free to contact myself at the number below.

ALOHA FOR NOW,

William K. Nahale  
Harbor Agent III - Kailua/Keauhou  
74-380 Kealakehe Parkway  
Kailua-Kona, HI 96740  
(808) 327-3685 (Office)  
(808) 327-3675 (Fax)  
(808) 217-3338 (Cell)

<Lavakai II Permits & Addendum.pdf>

