

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

June 9, 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:	Mr. Shane Turpin dba Kohala Tours
Dates of Incidents:	February 3 - 7, 2017
Location of Incidents:	Pohoiki Boat Launching Ramp, Hawaii

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.¹ 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.² 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*).³

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.

¹ See HAR § 13-231-67(c).

² See HAR §§ 13-231-67(c), 13-231-67(d)(20).

³ **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:

CR028555

Account Number:

00018067

COMMERCIAL USE

Pohoiki, Hawaii

Permittee: Lava Ocean Tours, Inc.

Effective Date:

06/01/2016

Business Name: Lava Ocean Tours, Inc.

Permit Expiration Date:

05/31/2017

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	HA / HB REG / MOD	LENGTH	HULL MTR	FUEL	PROP	USE	CO 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

INVESTIGATION # 17-0723-HA	District Puna	Lead Investigator Terlep, Jr., Lawrence	Report Status In Progress	Key Report [] Yes [X] No
Date/Time Reported 02/06/2017 08 00AM	Location Poholiki	Classification RBS BOATING ACCIDENT		Connecting Reports

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

B. REPORT CONTROL

Branch: Hawaii
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 [] Yes [X] No
Date/Time Reported 02/08/2017 09 00AM	Location Pohoiiki	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 Pohoiiki 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 Pohoiiki Rd, Pahoa, 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	39 REGISTERED OWNER		40 ADDRESS			41 HOME	42 WORK	43 CELL	
	44 NOTES								
	45 NAME William GIFFORD		46 SEX Male	47 RACE White	48 AGE	49 BIRTH DATE	50 OCCUPATION Boat Captain		
	51 CATEGORY Captain		52 ADDRESS			53 HOME	54 WORK	55 CELL	
PEOPLE	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	
	67 NAME		68 SEX	69 RACE	70 AGE	71 BIRTH DATE	72 OCCUPATION		
	73 CATEGORY		74 ADDRESS			75 HOME	76 WORK	77 CELL	
SYNOPSIS	78 SYNOPSIS <p>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 Pohoiiki Boat ramp. The incident was reported to WELLER by the Hawaii County Fire Departments Dispatch.</p> <p>Refer to attached narrative report for further details.</p>								
	79 REPORT WRITTEN BY Terlep, Jr., Lawrence 80 BADGE No. 56 81 DATE/TIME WRITTEN 03/08/2017 10 02AM 82 SUPERVISOR APPROVING Weller, James 83 DATE/TIME APPROVED 3-19-17 84 BADGE No. 19								

INVESTIGATION #
17-0723-HADISTRICT
PunaLEAD INVESTIGATOR
Lawrence Terlep, Jr.KEY REPORT
☐ Yes ☒ NoTIME REPORTED
2/6/2017 6 00 00 AMLOCATION
PohoikiCLASSIFICATION
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 as 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.

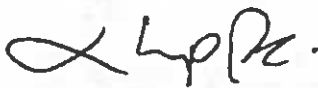
VESSEL DAMAGE

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
Officer56
Badge NoMarch 8, 2017/10:00am
Date / Time

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
Pohihi

CLASSIFICATION
RBS- BOATING ACCIDENT

CONNECTING REPORT(S)

Report Description:

Date/Time Taken:

Taken By: Terlep, Jr., Lawrence

Scene:

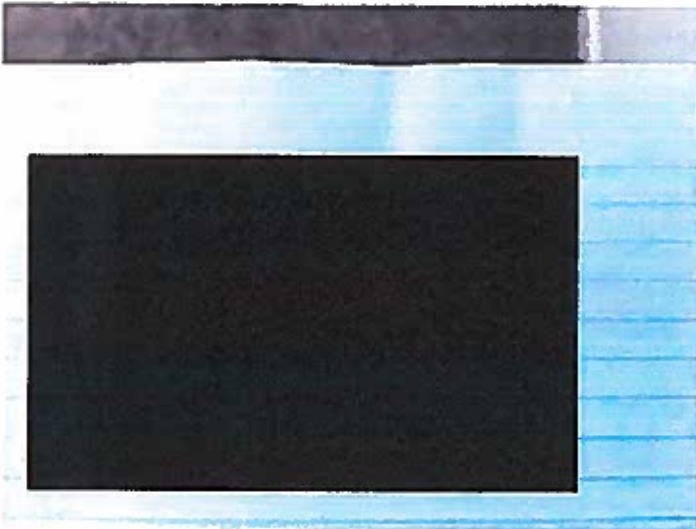
Equipment:

Weather Conditions:

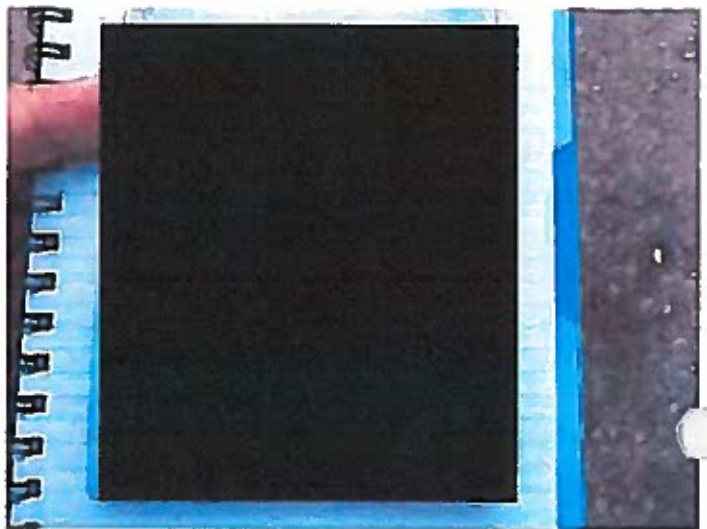
Lighting:

Focus:

1 Depicts Captains South Carolina Driver License



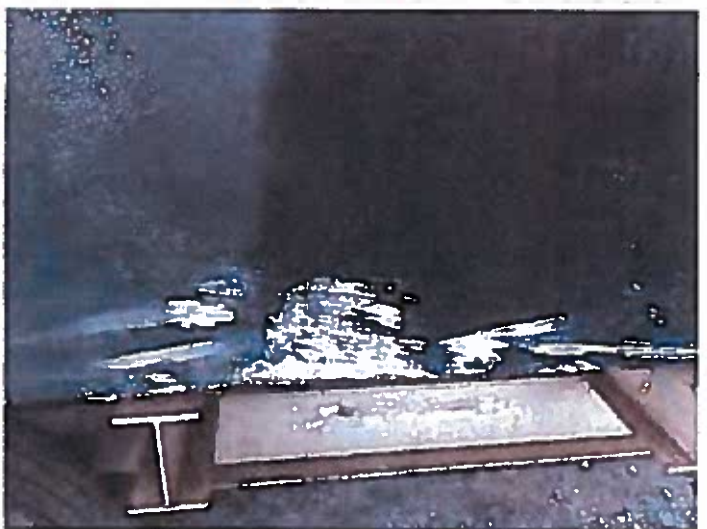
2 Depicts Captains Masters License



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 ☒ No

DATE / TIME REPORTED
2/6/2017 8:00:00 AM

LOCATION
Pohokiki

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

17-121

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 (X) Yes No
Date/Time Reported 02/07/2017 07:55AM	Location Pohokū	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
How Taken: On Boat
Reported Date/Time: 02/07/2017 07:55AM

Complainant: Craig Dente
Home Work Cell

Phone:

Address:

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

Vehicle/Vessel: HA1973CP - LAVA KAI

Location: Pohokū

Occurred From: 02/07/2017 07:55AM

Location Notes: Pohokū Boat Ramp

Occurred 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 Pohokl	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 Pohokl 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 Gray	22 LICENSE / HA No. HA1973CP	23 LENGTH -	24 STOLEN No
	25 REGISTERED OWNER Shane TURPIN		26 ADDRESS 141115 Pohokl Rd, Pahoa, HI, 96778			27 HOME	28 WORK 808-968-4200	29 CELL
	30 NOTES							

VEHICLES	31 TYPE Truck	32 YEAR 2008	33 MAKE Dodge	34 MODEL PKUP	35 COLOR White	36 LICENSE / HA No. [REDACTED]	37 LENGTH -	38 STOLEN No
	39 REGISTERED OWNER Shane TURPIN		40 ADDRESS 141115 Pohokl Rd, Pohokl, HI, 96778			41 HOME	42 WORK 808-968-4200	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 [REDACTED]			53 HOME	54 WORK
	55 NAME			57 SEX	58 RACE	59 AGE	60 BIRTH DATE	61 OCCUPATION
	62 CATEGORY			63 ADDRESS			64 HOME	65 WORK
PEOPLE	67 NAME			69 SEX	68 RACE	70 AGE	71 BIRTH DATE	72 OCCUPATION
	73 CATEGORY			74 ADDRESS			75 HOME	76 WORK
	77 NAME			79 SEX	80 RACE	81 AGE	82 BIRTH DATE	83 OCCUPATION
	84 CATEGORY			85 ADDRESS			86 HOME	87 WORK

SYNOPSIS	78 SYNOPSIS Observed suspect Sky K. MULLINS, master of vessel HA1973CP - LAVA KAI II, at Pohokl 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							
	79 SIGNATURE 							
	80 DATE/TIME 02/16/2017 12:28PM							

79 REPORT WRITTEN BY Dente, Craig	80 BADGE No. 238	81 DATE/TIME WRITTEN 02/16/2017 12:28PM	82 SUPERVISOR APPROVING Weller, 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
☒ Yes ☐ No

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

LOCATION
Pohoihi

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 Pohoihi 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

Pohoihi 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 Pohoihi 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 Pohoihi 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



238
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
☒ Yes ☐ No

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

LOCATION
Pohokl

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

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

INVESTIGATION #
17-0737-HA

DISTRICT
Pune

LEAD INVESTIGATOR
Craig Dente

KEY REPORT
[X] Yes []

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

LOCATION
Pohiki

CLASSIFICATION
RBS CERTIFICATE OF NUMBER

CONNECTING REPORT(S)
17-0738-HA

Report Description: Photo Log

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

Taken By: Donte, Craig

Scene: LAVA KAI II at Pohokai Boat Ramp

Equipment: Phone

Weather Conditions: Clear / Sunny

Lighting: Daylight / Natural

Focus: Auto

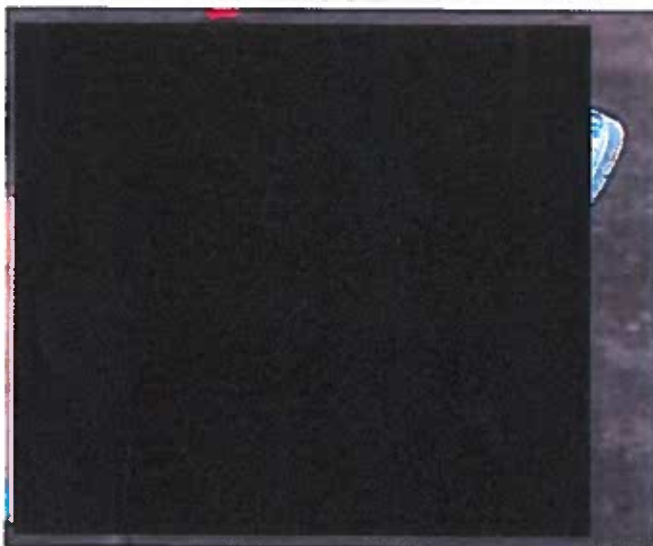
- 1 Depicts front view of LAVA KAI II at Pohoiki loaded with 26 passengers onboard**



- 2** Depicts side view of LAVA KAI II at Pohokl loaded with 26 passengers onboard



- 3** Depicts Captain Sky MULLINS' Merchant Marine Credential



- 4** Depicts certificate of numbers presented by Captain MULLINS. Expired June 2016.

VEHICLE NUMBER DATE OF BIRTH

1973 CP 2-16-16

State of Oregon
Department of Land and Natural Resources

TEMPORARY CERTIFICATE OF NUMBER
(VALID FOR 90 DAYS FROM THE DATE OF ISSUE)

AND
PERMANENT VEHICLE NUMBER

Shore Marine P&H Kona Bay
14-1145 Pohnos AL
Pohnos H-1 9-6-778
33-1-3-3 A-1-1-1-1
ACD-1-1-1-1-1-1-1-1
120- SK-1
18-1 D
P08943 1/16 P37736

CUSTOMER

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

INVESTIGATION # 17-0737-HA	District Pima	Lead Investigator Dante 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 Phoenix	Classification RBS CERTIFICATE OF NUMBER		Connecting Reports 17-0738-HA

WARNINGS

Issuing Officer	Dente, Craig	Issue Date/Time	02/07/2017 07:55AM
Defendant	MULLINS, Sky (Suspect)		
Notes	13-231-3(a)(6) Commercial Use Permit		
	Warning issued for no commercial use permit onboard		

Violation	Activity Code
-----------	---------------

Vehicle
HA1973CP (Power Catamaran /
Yardbuilt)

17-138

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

DOCARE-S (Rev. 8/03)

A. COMPLAINT

Taken By: Craig Dente
How Taken: On Boat

Reported Date/Time: 02/07/2017 07:55AM

Complainant: Craig Dente

Home Work Cell

Phone:

Address:

Incident Summary: Description SAFETY EQUIPMENT VIOLATION

Suspect: MULLINS Sky K

Vehicle/Vessel: HA1973CP - LAVA KAI II

Location: Pohoihi

Occured From: 02/07/2017 07:55AM

Location Notes: Pohoihi Boat Ramp

Occured 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 (062438 LNR)

COPY TO DOBOR

KONA	ST. PARKS
HILO	DOBOR <u>Page 2-24-17</u>
KAMUELA	PROSECUTOR <u>2-23-17</u>
HONOLULU	FEDERAL
AQUATICS	HQ
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 [] Yes [X] No
Date/Time Reported 02/07/2017 07:55AM	Location Pohokū	Classification RBS: REQUIRED EQUIPMENT		Connecting Reports 17-0737-HA

Investigation Report

BASIC	1 CLASSIFICATION RBS: REQUIRED EQUIPMENT						2 SOURCE On Boat		
	3 COMPLAINANT'S NAME Craig Dente				4 SEX	5 RACE	6 AGE	7 BIRTH DATE	8 OCCUPATION
	9 ADDRESS				10. PLACE EMPLOYED/SCHOOL ATTENDING		11 HOME	12 WORK	13 CELL
	14. LOCATION OF INCIDENT/INTERSECTING STREET Pohokū 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 Pohokū 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		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 Conducted inspection of LAVA KAI II, HA 1973 CP at Pohokū 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 062436 issued.			
	REFER TO MASTER REPORT NUMBER 17-0737-HA for more details on boarding.			
WRITER	INVESTIGATION CONTINUING			
79 REPORT WRITTEN BY Dente, Craig		80 BADGE No. 238	81 DATE/TIME WRITTEN 02/16/2017 01:28PM	82 SUPERVISOR APPROVED Weller, James
83 DISPOSITION		84 DATE/TIME APPROVED 2-17-17		
		85 BADGE No. 19		

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
Pohokiki

CLASSIFICATION
RBS REQUIRED EQUIPMENT

CONNECTING REPORT(S)
17-0737-HA

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

☐ Supplemental ☐ Follow Up

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
☐ Yes ☒ No

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

LOCATION
Pahoa

CLASSIFICATION
RBS REQUIRED EQUIPMENT

CONNECTING REPORT(S)
17-0737-HA

Report (Continued)

CITATION ISSUED

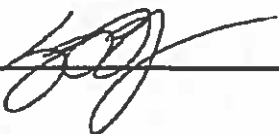
Based on the information listed above, I found that the vessel did not have all required safety equipment onboard. I issued citation 062436 LNR to the vessel's Captain, Sky MULLINS for adjudication in Third Circuit Environmental Court. MULLINS signed the citation form, and acknowledged that he had a 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

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 ☒ X

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

LOCATION
Pohokiki

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 Pohokiki Boat Ramp](#)

Equipment: [iPhone](#)

Weather Conditions: [Clear / Sunny](#)

Lighting: [Daylight / Natural](#)

Focus: [Auto](#)


1 Depicts LAVA KAI II loaded with 26 passengers onboard at Pohokiki



Page 2 of 4

INVESTIGATION #
17-0738-HADISTRICT
PunaLEAD INVESTIGATOR
Craig DenleKEY REPORT
☐ Yes ☒ XDATE / TIME REPORTED
2/7/2017 7 55 00 AMLOCATION
PohokūCLASSIFICATION
RBS REQUIRED EQUIPMENTCONNECTING 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		Certification Date: 15 Dec 2018 Expiration Date: 15 Dec 2020																		
 <h2 style="text-align: center;">Certificate of Inspection</h2>																				
Vessel Name: LAVA KAI II																				
<p>THAN 20 MILES FROM A HARBOR OF SAFE REFUGE.</p> <p>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.</p> <p>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.</p> <p>ONE CHILD SIZE LIFE PRESERVER SHALL BE PROVIDED FOR EACH PERSON WEIGHING LESS THAN 60 POUNDS.</p> <p>VESSEL SHALL BE OPERATED WITHIN THE FOLLOWING DESIGN RESTRICTIONS IN ACCORDANCE WITH MSC HULL STRUCTURE APPROVAL LTR DTD NOVEMBER 13, 2014:</p>																				
<table border="1"> <thead> <tr> <th>Significant Wave Height (Feet)</th> <th>Maximum Speed (kts)</th> </tr> </thead> <tbody> <tr> <td>Less than 1.5</td> <td>20.3</td> </tr> <tr> <td>1.5 - 3.0</td> <td>18.3</td> </tr> <tr> <td>3.0 - 6.0</td> <td>16.3</td> </tr> <tr> <td>6.0 - 7.0</td> <td>13.9</td> </tr> <tr> <td>7.0 - 8.5</td> <td>12.7</td> </tr> <tr> <td>8.5 - 11.0</td> <td>11.0</td> </tr> <tr> <td>11.0 - 13.0</td> <td>10.4</td> </tr> <tr> <td>> 13.0</td> <td>Only Shelter at Slow Speed</td> </tr> </tbody> </table>			Significant Wave Height (Feet)	Maximum Speed (kts)	Less than 1.5	20.3	1.5 - 3.0	18.3	3.0 - 6.0	16.3	6.0 - 7.0	13.9	7.0 - 8.5	12.7	8.5 - 11.0	11.0	11.0 - 13.0	10.4	> 13.0	Only Shelter at Slow Speed
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Less than 1.5	20.3																			
1.5 - 3.0	18.3																			
3.0 - 6.0	16.3																			
6.0 - 7.0	13.9																			
7.0 - 8.5	12.7																			
8.5 - 11.0	11.0																			
11.0 - 13.0	10.4																			
> 13.0	Only Shelter at Slow Speed																			
ANNUAL INTERNAL STRUCTURAL EXAMS SHALL BE CONDUCTED WHY 46 CFR 179.000 AND NEM VOL. II, SECTION B, CHAP. 4, PAGE 94-12.																				
WHEN OPERATING AS AN UNINSPECTED PASSENGER VESSEL CARRYING 8 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																		
Dry Dock	31 May 2017	20 May 2015																		
Stability																				
Type	Issued Date	Office																		
Letter	09 Feb 2015	Marine Safety Center (MSC)																		
Liferafting Equipment																				
Total Equipment for 28 Persons																				
Primary Liferafting Equipment	Quantity	Capacity																		
Liferafts (Total)	0	0																		
Liferafts (Port)	0	0																		
Liferafts (Starboard)	0	0																		
Motor Liferafts	0	0																		
Liferafts W/Radio	0	0																		
Rescue Boats/Platforms	0	0																		
Inflatable Rafts	0	0																		
Life Rafts/Buoyant App	2	30																		
Inflatable Buoyant App (IBA)	0	0																		
Life Preservers (Adult)	28																			
Life Preservers (Child)	3																			
Ring Buoys (Total)	1																			
With Lights	1																			
With Line Attached	1																			
Other	0																			
Immersion Suits	0																			
Portable Liferaft Radio	0																			
Equipped with EPIRB?	YES																			
Fire Fighting Equipment																				

INVESTIGATION #
17-0738-HA

DISTRICT
Puna

LEAD INVESTIGATOR
Craig Denie

KEY REPORT
[] Yes [X]

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

LOCATION
Poholki

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***

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

Certificate of Inspection

Inspection Date: 18 Dec 2016
Expiry Date: 18 Dec 2020

Fire Extinguishers - Hand portable and semi-portable

Quantity	Class Type
2	B-II

END

Page 3 of 3

2/16/2017

Online Vessel Registration Renewal | Division of Boating & Ocean Recreation

* 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

* 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 a yamaguchi

2/16/2017

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

• **VESSEL**

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

• **ENGINE**

MANUFACTURER	SERIAL NUMBER
HONDA	N/A

• **TYPE OF VESSEL**

1-CABIN MOTORBOAT

• **PRINCIPAL USE**

1-PLEASURE

• **TYPE OF FUEL**

1-GASOLINE

• **PROPULSION**

1-OUTBOARD

* = REQUIRED

2/16/2017

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 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]

2/16/2017

Online Vessel Registration Renewal | Division of Boating & Ocean Recreation

* REG. # (HA-XXXX-XX) HA-1973-CP	HULL ID ACD33CATK415	DECAL # RD9916	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

Feb 11, 2017 12:44:31 PM

Printed By: H15DENTC from: DLNR02

Received Time: 12:42:51 02-11-17

Source ORI:

H10020702

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:

H10LN0000

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-EKP: 08 17 TCI-NO: 227TTD-15
LO-ADDRESS: [REDACTED] LO-CITY: SACRAMENTO CA 95899
1ST-SOLD: 01 10 06 DT-ISS: 12 22 15 TK-RT: F HVUC: 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 TAX-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
BOARDINGDATE
2-7-2017BOARDING 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
	MODEL YARD BUILT		ADULT SIZE 27	<input type="checkbox"/> Open MB <input type="checkbox"/> Cabin MB <input type="checkbox"/> Sail <input type="checkbox"/> Rowboat <input type="checkbox"/> Canoe/Kayak <input type="checkbox"/> Houseboat <input type="checkbox"/> Inflatable <input type="checkbox"/> Thriftcraft <input type="checkbox"/> Other (Specify):	<input type="checkbox"/> Outboard <input type="checkbox"/> Inboard gas <input type="checkbox"/> Inboard Diesel <input type="checkbox"/> Inboard/Outboard <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
	MODEL YR. 2015	NET TONS	LENGTH 33' 0"	CHILD SIZE	ENGINE COMPARTMENT <input type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent reg) FUEL COMPARTMENT <input type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent reg) CONSTRUCTION <input type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent reg)	
HP HONDA 0/B	HSE Commercial 2 Passenger 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 1A-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 [REDACTED]	STATE HI	ZIP 96771	[REDACTED]		
OBSERVED IN USE	BODY OF WATER PACIFIC OCEAN		DETAILED LOCATION			
	CITY PAHOA		POHOIKI BOAT RAMP			
	COUNTY HAWAII					
VIOLATION (✓ INDICATES DEFICIENCY)		CITATION	UNSAFE CONDITION		CITATION	
NUMBERING			UNSAFE CONDITIONS CREATING ESPECIALLY			
✓	CERTIFICATE NOT ONBOARD	062435LNR	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		ACTION TAKEN			
	OTHER (SPECIFY):		CORRECTED ON THE SPOT			
	OTHER (SPECIFY):		WARNING ISSUED			
	OTHER (SPECIFY):		✓ CITATION ISSUED			
	OTHER (SPECIFY):		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, CREOLE		RANK CRCO III	UNIT DOCARE	DISTRICT E. HAWAII		
DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT DEPARTMENT OF LAND AND NATURAL RESOURCES STATE OF HAWAII		BOARDING OFFICER'S SIGNATURE [Signature]				

COPY

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(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

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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

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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 Dry chemical Halon 1211 or 1301	15 pounds 10 pounds 10 pounds	B-II

(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 23-006, 51 FR 887, Jan. 9, 1986; 51 FR 3785, 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 § 163.410 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	
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(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.

§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

NAME MULLINS STATE JUVENILE

Current/Mailing Address [REDACTED] City, State, Zip [REDACTED]

Place of Employment School or Branch of Service [REDACTED] Job Title, Vt. in school or Military Rank [REDACTED]

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

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

Did on or about this day of FEBRUARY 17 at 7:55 PM

Did operate/control Vehicle/Vessel HA 1973CP

Vehicle/Vessel ALUMINUM Make/Name EMERSON Type BOAT Color GRAY No. 2015

at (location) POHOHI BOAT RAMP

and did commit the offense of NO REQUIRED EQUIPMENT VIOLATION

SECTION 13-243-14.5 VIOLATION

EVIDENCE TAKEN: Yes ☒ No ☐ DESCRIPTION OF EVIDENCE [REDACTED]

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

X Signature [REDACTED]

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

C. DENT

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

Complainant's Signature [REDACTED] Badge/ID No [REDACTED]

Bail Forfeiture by Mail Permitted: ☐ Yes ☒ No

A Postmarked BEFORE court date Payment Amount COURT

B Postmarked ON court date Payment Amount COURT

SUMMONS

Your court appearance date is:

DATE MARCH 17, 2017 TIME 9:30 AM COURTROOM 2B

District Court ☒ Family Court of PUHA HILLY IN S. HILLY

OFFICER

17-144

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
Time Reported 02/04/2017 08 30AM	Location Pohokiki	Classification SBH: COMMERCIAL USE PERMIT VIOLATION		Connecting Reports

Incident & Report Control Form

DOCARE-5 (Rev. 8/03)

A. COMPLAINT

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

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: Pohokiki
Location Notes: Pohokiki Boat Ramp
Occurred From: 02/03/2017 04 00PM
Occurred To:

B. REPORT CONTROL

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

KONA	ST. PARKS
HILO	DOBOR 3.17
KAMUELA	PROSECUTOR
HONOLULU	FEDERAL
AQUATICS	HP
DOFAW	OCCL
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	13 CELL [REDACTED]		
	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 Calamarian	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											
	31 TYPE	32 YEAR	33 MAKE	34 MODEL		35 COLOR		36 LICENSE / HA No.		37 LENGTH	38 STOLEN	
PEOPLE	39 REGISTERED OWNER		40 ADDRESS					41 HOME	42 WORK	43 CELL		
	44 NOTES											
	45 NAME Sky MULLINS				46 SEX Male	47 RACE	48 AGE [REDACTED]	49 BIRTH DATE [REDACTED]		50 OCCUPATION		
	51 CATEGORY Suspect		52 ADDRESS [REDACTED]					53 HOME	54 WORK	55 CELL [REDACTED]		
PEOPLE	56 NAME Shane TURPIN				57 SEX Male	58 RACE	59 AGE [REDACTED]	60 BIRTH DATE [REDACTED]		61 OCCUPATION		
	62 CATEGORY Suspect		63 ADDRESS 141115 Pohoihi Rd, Pohoihi, HI, 96778					64 HOME	65 WORK 808-966-4200	66 CELL [REDACTED]		
	67 NAME				68 SEX	69 RACE	70 AGE	71 BIRTH DATE		72 OCCUPATION		
	73 CATEGORY		74 ADDRESS					75 HOME	76 WORK	77 CELL		
SYNOPSIS	78 SYNOPSIS <p>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.</p> <p>INVESTIGATION CONTINUING</p>											
WRITER	79 REPORT WRITTEN BY Denle, Craig		80 BADGE No. 236	81 DATE/TIME WRITTEN 02/26/2017 10:23PM		82 DATE/TIME APPROVED 3/5/17		83 DATE/TIME APPROVED 17/26		84 BADGE No. 19		
	85 DISPOSITION											

INVESTIGATION #
17-0741-HADISTRICT
PunaLEAD INVESTIGATOR
Craig DenteKEY REPORT
☒ Yes ☐ NoTIME REPORTED
2/4/2017 8 30 00 AMLOCATION
PohikiCLASSIFICATION
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 Pohiki with passengers onboard, and that they believed TURPIN only had one Commercial Use Permit for Pohiki.

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 Pohiki 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 Pohiki, 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 Pohiki 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 Pohiki, 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 Pohiki Boat Ramp, which at the time had 26 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 Pohiki, 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
Officer236
Badge No03-03-2017 / 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
Pohokiki

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 Pohokiki, 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] and [REDACTED] and photographs submitted by [REDACTED] and [REDACTED] coupled with my own observation of LAVA KAI II operating from Pohokiki on 02-07-2017, it is clear that the LAVA KAI II was operated with passengers onboard from February 3rd through February 7th at Pohokiki 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 3rd and February 7th 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

INVESTIGATION #
17-0741-HA

DISTRICT
Puna

LEAD INVESTIGATOR
Craig Denle

KEY REPORT
☒ Yes ☐ No

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

LOCATION
Poholki

CLASSIFICATION
SBH COMMERCIAL USE PERMIT VIOLATION

CONNECTING REPORT(S)

Report Description: **Photo Log**

Date/Time Taken: **See Description**

Taken By: **See Description**

Scene: **Poholki & 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 Poholki 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 Poholki 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: _____

PAGE 1 OF 1 PAGES

DATE: _____

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 pohiki 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 [✓] 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: [Signature] DATE: 2-13-17 TIME: 11:32

STATEMENT FORM

STATE OF HAWAII
DLNR/DOCARE

REPORT NUMBER: _____

DISTRICT: _____

CLASSIFICATION: _____

PAGE 1 OF 1 PAGES

DATE: _____

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
Polioiki Boat Ramp on February 3, 4th, and 5th with passengers (casualty)

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 # 17-0741-H1

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 DAVID KALOHU

By C. DANTE

Conservation Enforcement Officer

<u>POHBIKI</u>	<u>2-17-2017</u>	<u>0850</u>
Location	Date	Time

WAIVER OF RIGHTS

Initial

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

Witness


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
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>
Cc: <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 Kīnoole 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 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>
Date: February 18, 2017 at 10:00:21 AM HST
To: "lavaoceantours@gmail.com" <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 vsl 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 vsl 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

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

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

*** VESSEL**

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

*** ENGINE**

MANUFACTURER	SERIAL NUMBER
HONDA	N/A

*** TYPE OF VESSEL**

1-CABIN MOTORBOAT

*** PRINCIPAL USE**

1-PLEASURE

*** TYPE OF FUEL**

1-GASOLINE

*** PROPULSION**

1-OUTBOARD

* = REQUIRED

* REG. # (HA-XXXX-XX)
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)	HULL ID	DECAL #	RAMP #	STATUS	EXP. DATE (MM/YY)
HA-1973-CP	ACD33CATK415	R09916	R37711(COM)	ACTIVE	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)	HULL ID	DECAL #	RAMP #	STATUS	EXP. DATE (MM/YY)
HA-1973-CP	ACD33CATK415	R09916	R37711(COM)	ACTIVE	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 [X] Yes [] 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-3 (Rev. 8/03)

A. COMPLAINT

Taken By: Craig Dente
How Taken: On Beat

Reported Date/Time: 02/07/2017 07:55AM

Complainant: Craig Dente
Home Work Cell

Phone:

Address:

Incident Summary: Description COMMERCIAL USE PERMIT VIOLATION

Suspect: LAVA OCEAN TOURS INC / Shana TURPIN

Vehicle/Vessel: LAVA KAI II (HA1873CP)

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 Dentle, 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 Pohokiki	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 Dentle			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

SYNOPSIS	78 SYNOPSIS
	<p>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 it's voyage, with paying passengers onboard.</p> <p>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.</p> <p>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.</p> <p>CLOSED - RECORD ONLY // FORWARD TO DOBOR</p>

79 REPORT WRITTEN BY Dentle, Craig	80 BADGE No. 236	81 DATE/TIME WRITTEN 03/05/2017 02:29PM	82 DATE/TIME APPROVED 03/05/2017 1630h	84 BADGE No. 19
83 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:lavaoceantours@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> 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

REQUEST FOR VESSEL CHANGE

1. PERMITTEE INFORMATION	
Date: 02/03/17	Permittee Name: LAVA OCEAN TOURS, INC
Location: POHOIKI RAMP	
Account #: _____	Permit #: _____ Slip #: _____
<div>OFFICE USE ONLY</div> <div>Date Received</div> <div>Received By</div>	
2. CURRENT VESSEL INFORMATION	
Vessel Name: LAVAONE	Length Overall: 39 (feet) 6 (inches)
Registration/ Doc. #: _____	Length Over Deck: 37 (feet) 6 (inches)
Number of Hulls: 2	Draft of Vessel: 3 (feet) 0 (inches)
Hull Manufacturer: ARMSTRONG MARINE	Beam of Vessel: 13 (feet) 6 (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): 12/1/13	
Departure Date: 2/4/17	
3. PROPOSED VESSEL INFORMATION	
Vessel Name: LAVAKAI II	Length Overall: 35 (feet) 0 (inches)
Registration/ Doc. #: _____	Length Over Deck: 33 (feet) 0 (inches)
Number of Hulls: 2	Draft of Vessel: 3 (feet) 0 (inches)
Hull Manufacturer: ARMSTRONG MARINE	Beam of Vessel: 12 (feet) 0 (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): 6/1/14	
Arrival Date: 2/4/17	

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

2 / 4 / 17

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:

1 / 1

30 days

Additional Notes:

Approved

Approved:

Date:

2 / 2 / 17



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): **9664200** (mobile): Email: **LAVAOCEANTOIRS@GMAIL.COM**

Mailing Address: **14-1115 POHOIKI RD**

Apt #:

City: **PAHOA**

State: **HI**

Zip Code: **96778**

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): **9664200** Phone (mobile):

Business Address: **14-1115 POHOIKI RD**

Apt #:

Address Line 2:

City: **PAHOA**

State: **HI**

Zip Code: **96778**

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: **2014** Length Overall: **35** (feet) **0** (inches)
Hull ID#: Number of Hulls: **2** Length Over Deck: **33** (feet) **0** (inches)
Hull Color: **BLACK** Cabin Color: **ALUM** Draft of Vessel: **3** (feet) **0** (inches)
Top Deck Color: **GREY** Trim Color: **ALUM** Beam of Vessel: **12** (feet) **0** (inches)
Master of Vessel: **SHANE TURPIN** Tonnage License #: **100 TON**
Passenger Capacity: **26** 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 ☐ Thrillerati ☐ 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:

250

Number of Engines:

2

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

2 / 4 / 17

Date

VESSEL NUMBER

DATE OF ISSU

11 1473CF

06/14/6

State of Hawaii
Department of Land and Natural Resources

TEMPORARY CERTIFICATE OF NUMBER

(VALID FOR 90 DAYS FROM THE DATE OF ISSU)

AND

PERMANENT VESSEL NUMBER

1. Vessel Name

2. State

3. HULL NO.

4. Vessel Address

14-115 Pihok, Kei.

5. Vessel Type

14-115

6. State

HI

96778

7. Length

33

8. Beam

6

9. Draft

3

10. Builder

Amstrong, Hawaii

11. Vessel Identification Number

1403301K415

12. Date

4/15/6

13. Vessel Address

20.00

14. Vessel Address

15. Vessel Address

16. Vessel Address

17. Vessel Address

18. Vessel Address

19. Vessel Address

20. Vessel Address

21. Vessel Address

22. Vessel Address

23. Vessel Address

24. Vessel Address

25. Vessel Address

26. Vessel Address

27. Vessel Address

28. Vessel Address

1909916

61.7

1257711 (1/14)

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



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 vessels on international voyages this certificate fulfills the requirements of SOLAS 74 as amended regulation 19.2.1 for a SAFE Vessel (1978, 1980, 1988)

Vessel Name: LAVAKA II
Official Number: 1256473
IMO Number: WDC7497
Service: Passenger (Inspected)

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

Place of Birth: PORT ANGELES Washington
Delivery Date: 14Oct2014
Keel Laid Date: 10Aug2014
Gross Tonnage: 4.1
Net Tonnage: 4.1
Length: 24.00
Beam: 8.00
UNITED STATES

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

Vessel must be manned with the following licensed and unlicensed Personnel Included in which there must be
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 Others
0 Second Mates	0 Radio Officers	0 Second Assistant Engineers	0 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 HANAMANIOA, 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

USCGC Form 1-4 (Rev. 4-2000)

Fire Extinguishers - Hand portable and semi-portable

Quantity

2

Class Type

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).

PRODUCER American Marine Insurance Co., Inc. 1000 Washington St. New York, NY 10038-1000 Tel: (212) 412-1000	CONTACT NAME: [Redacted] PHONE (A.C. No. Ext): [Redacted] FAX (A.C. No.): [Redacted] E-MAIL: [Redacted] ADDRESS: [Redacted] PRODUCER CUSTOMER ID: [Redacted]																					
INSURED [Redacted] [Redacted] [Redacted] [Redacted]	<table border="1"> <thead> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A</td> <td>[Redacted]</td> <td></td> </tr> <tr> <td>INSURER B</td> <td>[Redacted]</td> <td></td> </tr> <tr> <td>INSURER C</td> <td></td> <td></td> </tr> <tr> <td>INSURER D</td> <td></td> <td></td> </tr> <tr> <td>INSURER E</td> <td></td> <td></td> </tr> <tr> <td>INSURER F</td> <td></td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A	[Redacted]		INSURER B	[Redacted]		INSURER C			INSURER D			INSURER E			INSURER F		
INSURER(S) AFFORDING COVERAGE		NAIC #																				
INSURER A	[Redacted]																					
INSURER B	[Redacted]																					
INSURER C																						
INSURER D																						
INSURER E																						
INSURER F																						

COVERAGES

CERTIFICATE NUMBER: 102-14911-

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ASSIGNED 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 LTR	TYPE OF INSURANCE	ADDL/SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	HULL AND MACHINERY					HULL AND MACHINERY COLLISION LIABILITY TOWAGE LIABILITY
	PROTECTION AND INDEMNITY					PROTECTION AND INDEMNITY CREW LIABILITY DEFENSE LIABILITY TOWAGE LIABILITY REMOVAL OF WRECK IS REW
	POLLUTION LIABILITY					POLLUTION LIABILITY OPA/SPR OFFSHORE NON OPA / NON SPR / A
	MARITIME EMPLOYERS LIABILITY					MARITIME EMPLOYERS LIABILITY ALTERNATE EMPLOYER INCLUDED CREW CREW ALL LEADERSHIP / CREW SEAMEN THEM 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 Tappin

Complete Address: 14-1115 Pohoiki Rd

Office #: 966-4200 Cell #: [REDACTED]

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 - Kapapala		
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.)

Aloha K. 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 Name of Individual or Entity	Type of Permit/Permission Include any Permit #'s if applicable	Telephone Number Best contact for the issuing entity

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

CERTIFICATE NUMBER:

ACORD 31 (2014 01)

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. 808-986-4200/808-980-0553

PAYMENT
RECEIVED: \$5.00

APPROVED:

RECEIPT NO: BARS

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

BY:
2



Done Lavakai II Permits & Addendum.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:

CR028555

Account Number:

00018087

COMMERCIAL USE

Pohoiki, Hawaii

Permittee: Lava Ocean Tours, Inc.

Effective Date:

06/01/2016

Business Name: Lava Ocean Tours, Inc.

Permit Expiration Date:

05/31/2017

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> 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>