

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

April 13, 2018

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

Land Board Members:

SUBJECT: ADMINISTRATIVE ENFORCEMENT ACTION FOR VIOLATION OF HAWAII ADMINISTRATIVE RULE SECTION 13-256-39: HANALEI BAY OCEAN WATERS, GENERAL RESTRICTIONS, AGAINST STEPHEN KOEHNE FOR CONDUCTING COMMERCIAL ACTIVITY WITHOUT A COMMERCIAL USE PERMIT OR PRIOR APPROVAL FROM THE DEPARTMENT.

SUMMARY:

This submittal requests that the Board of Land and Natural Resources (Board) find Mr. Stephen Koehne in violation of Hawai'i Administrative Rule (HAR) § 13-256-39 Hanalei Bay ocean waters, general restrictions, specifically subsection (b), part (5): "No commercial vessel shall load or unload passengers in Hanalei Bay ocean waters or the lands adjacent thereto without a permit issued by the Department and approval by the County of Kauai. All vessels authorized to load and unload passengers in Hanalei Bay ocean waters or the lands adjacent thereto shall travel to and from the beach only through a designated ingress/egress zone." Division of Boating and Ocean Recreation (DOBOR) staff notes that it brought an enforcement action alleging earlier violations of the same HAR provisions at the November 9, 2017 Board meeting, for which Mr. Koehne requested a contested case hearing. DOBOR staff recommends that the Board issue an administrative fine of fifteen thousand dollars (\$15,000.00) as authorized by Hawai'i Revised Statutes (HRS) § 200-14.5(c).

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

Against:	Mr. Stephen E.J. Koehne
Dates of incidents:	January 9, 2018, January 25, 2018, and March 18, 2018
Locations of incidents:	Hanalei Bay Ocean Waters, Kaua'i
Violations:	Three (3) counts of engaging in illegal commercial activity in violation of HAR § 13-256-39 <u>Hanalei Bay ocean waters, general restrictions</u> .

Recommended Penalty: Administrative fine of fifteen thousand dollars (\$15,000.00)
pursuant to HRS § 200-14.5(c).

INTRODUCTION

As Item J-1 of the Board's regularly scheduled meeting on November 9, 2017, DOBOR brought an enforcement action against Mr. Koehne alleging multiple violations of HAR § 13-256-39(b)(5). Mr. Koehne requested a contested case hearing, which is currently ongoing. In the meantime, Mr. Koehne has continued to engage in allegedly illegal commercial activity, detailed herein.

Pursuant to HAR § 13-256-39(b)(5), in order to conduct commercial activities in Hanalei Bay ocean waters, an operator must obtain a commercial use permit issued by the Department. Mr. Koehne, a self-proclaimed "pirate," does not hold a required commercial use permit and has not applied for such a permit with DOBOR. Mr. Koehne advertises private charters on his website, livesaltykauai.com, offers private charters through kauaibystephanie.com, and regularly posts pictures of groups he takes out on his boat to his Facebook and Instagram accounts.

The vessel with registration number HA 2789 K is the vessel to which the alleged violations in this enforcement action apply. Mr. Koehne is positively identified as the violator by being the principal owner of the vessel as well as by being the operator of the vessel when the alleged violations occurred (vessel registration information for vessel HA 2789 K is included in **Exhibit 1**).

DOBOR Kaua'i staff and Division of Conservation and Resources Enforcement (DOCARE) officers observed Mr. Koehne conducting group boat tours with indications of commercial activity on three separate occasions without a commercial use permit. A permitted commercial operator also observed Mr. Koehne operating allegedly illegal commercial tours on multiple occasions. In addition to being notified by DOBOR Kaua'i staff that commercial operators are required to obtain a commercial use permit for the area in order to conduct commercial activities, Mr. Koehne was also made aware of his alleged violations in Item J-1 of the Board's November 9, 2017 meeting. Mr. Koehne therefore had full knowledge of the existing permitting requirements when he conducted the allegedly unlawful commercial activities.

FACTUAL BACKGROUND

Mr. Koehne owns and operates the vessel HA 2789 K, which he has used to conduct commercial activities under the "Live Salty Kauai" trade name (*see* **Exhibit 1** for business registration information). Vessel HA 2789 K is registered for recreational use only and has no attendant commercial permits (*see* **Exhibit 1** for vessel registration information).

The following timeline is presented to summarize the incidents that took place on January 9, 2018 and January 25, 2018 pertaining to Mr. Koehne's alleged violations of HAR § 13-256-39(b)(5):

January 9, 2018: DOBOR Kaua'i Harbor Agent Rosare observes Mr. Koehne loading eight (8) individuals onto vessel HA 2789 K in Hanalei Bay ocean waters ingress/egress zone two around 8:30am (*see* **Exhibit 2**). Permitted commercial operators also witness the event and one operator notifies the passengers that they are taking an illegal charter. The passengers acknowledge the operator's statement and continue on the charter anyway. This is the first alleged violation of HAR § 13-256-39(b)(5).

January 25, 2018: DOCARE Kaua'i Supervisor Addington and Officers Donohue, Fernandes, Gandeza, Richardson, Rushforth, and Tavares observe Mr. Koehne offloading ten (10) passengers from vessel HA 2789 K in Hanalei Bay ocean waters ingress/egress zone two around 12:00pm (*see* DOCARE Report 18-0188-KA, **Exhibit 3**). The officers obtain contact information from some of the passengers, who all claim that they did not pay anything for the boat tour and that Mr. Koehne is a "friend of a friend." This is the second alleged violation of HAR § 13-256-39(b)(5).

March 18, 2018: Harbor Agent Rosare observes Mr. Koehne carrying passengers in Hanalei Bay ocean waters ingress/egress zone two around 8:00am (*see* **Exhibit 4**). Additionally, a permitted operator states that on this instance a passenger stated that they were on a commercial charter. This is the third alleged violation of HAR § 13-256-39(b)(5).

Additionally, a permitted commercial operator notified DOBOR staff of dates and passenger counts when Mr. Koehne was observed allegedly carrying passengers for hire, in violation of HAR § 13-256-39(b)(5). *See* **Exhibit 5** for the permitted commercial operator's email to Harbor Agent Rosare. The dates and passenger counts other than January 9 and 25, 2018 are as follows:

- Unspecified day in December 2017: Seven (7) passengers
- December 30, 2017: Four (4) passengers
- January 28, 2018: Five (5) passengers
- January 29, 2018: Four (4) passengers

REGULATORY AUTHORITY FOR ENFORCEMENT

I. Applicable Hawai'i Administrative Rules Provisions:

A. Administrative Rule Violated

HAR §13-256-39(b)(5) prohibits unauthorized commercial operation in Hanalei Bay ocean waters as follows:

(b) In addition to all federal, state, and county laws, rules, and ordinances, the following restrictions shall apply to all activities in Hanalei Bay ocean waters:

- (5) No commercial vessel shall load or unload passengers in Hanalei Bay ocean waters or the lands adjacent thereto without a permit issued by the department and approval by the County of Kauai. All vessels authorized to load and unload passengers in Hanalei Bay ocean waters or the lands adjacent thereto shall travel

to and from the beach only through a designated ingress/egress zones (*Parts 1 through 4 and 6 through 8 omitted*).

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. Other Relevant 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.

II. Administrative Fines Authorized for Violations of HAR § 13-256-39

HAR § 13-230-4(b) provides that "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 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) 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 limitations on fine amounts for all violations not involving pollution of the waters of the State as follows:

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

APPLICATION OF LAW AND RECOMMENDED PENALTY

- I. *Mr. Koehne's vessel is being used as a commercial vessel, is carrying passengers for hire, is engaged in commercial activity under the pertinent HAR definitions, and Mr. Koehne is therefore subject to administrative action.*

The prohibited activity under HAR § 13-256-39(b)(5) involves unauthorized commercial activity in Hanalei Bay. Specifically, the use of a "commercial vessel" to "load or unload passengers in Hanalei Bay ocean waters or the lands adjacent thereto" is prohibited.

There is substantial and well-documented evidence that Mr. Koehne's vessel has been repeatedly loading and unloading passengers in Hanalei Bay ocean waters. Accordingly, the critical issue is whether Mr. Koehne's vessel meets the definition of a "commercial vessel", and whether Mr. Koehne has been engaged in "commercial activity" as defined in the administrative rules.

With respect to whether Mr. Koehne's vessel is a commercial vessel, DOBOR administrative rules define a commercial vessel as "a vessel engaged in a trade or business", and includes circumstances where the vessel is carrying passengers for hire or for a charter fishing business, as well as any "other trade or business wherein the vessel is used in any manner to promote the venture." Here, there is substantial and well-documented evidence that Mr. Koehne's vessel was being used to carry passengers for hire and to promote Mr. Koehne's commercial boat tour venture. Mr. Koehne has been continuously advertising his commercial boat tour venture, including the use of photographs, customer reviews and descriptions of both of his vessels to promote the venture. This strongly supports the conclusion that Mr. Koehne's vessel is a "commercial vessel" under the definitions in DOBOR administrative rules.

With respect to whether Mr. Koehne's activities meet the definition of "commercial activity", DOBOR administrative rule definitions include within the definition for "commercial activity" activities for which compensation is received. During the course of the investigation, there is no clear documentation of money being exchanged, and Mr. Koehne has repeatedly denied that his passengers are paying for the boat tours. However, the definition of commercial activity is not limited to situations involving the exchange of money. The definition also includes activities such as the "display of merchandise or demanding or requesting gifts, money or services." Mr. Koehne's advertisements for commercial boat tours include photographs of the vessels used and description of the commercial tours offered. Online advertisements, websites, and online booking services are a common means to "display merchandise" in today's modern online setting. Mr. Koehne's advertisements for commercial services therefore constitute "commercial activity."

There is also circumstantial evidence that Mr. Koehne is engaged in a commercial venture involving payment of compensation. The advertisements identified in this investigation offer commercial boat tours using Mr. Koehne's vessels, and there are numerous online reviews of the commercial boat tours offered by Mr. Koehne.

II. Mr. Koehne did not comply with HAR requirements and restrictions.

Mr. Koehne neither obtained a permit from the Department pursuant to HAR § 13-256-39(b)(5) to operate a commercial vessel in Hanalei Bay ocean waters nor did he receive prior written approval from the Department or execute an agreement with the Department to operate commercially in Hanalei Bay ocean waters pursuant to HAR § 13-231-51. Mr. Koehne violated HAR § 13-256-39(b)(5): he was witnessed by DOBOR Kaua'i staff and DOCARE Kaua'i Officers allegedly operating with passengers for hire without a valid commercial use permit in Hanalei Bay ocean waters on three occasions; he was also witnessed by a permitted commercial operator allegedly carrying passengers for hire on multiple occasions.

III. Administrative Fine authorized by Hawaii Revised Statutes.

Pursuant to HAR § 13-230-4(b), "[e]ach day or instance of violation shall constitute a separate offense." As evidenced by the attached reports, Mr. Koehne was observed on three occasions conducting unauthorized commercial activity in violation of HAR § 13-256-39(b)(5). Pursuant to HRS § 200-14.5(c), Mr. Koehne can be fined five thousand dollars (\$5,000.00) for each instance of violation.

There are no mitigating factors that DOBOR staff believes would justify a lesser fine for the violations listed above. Mr. Koehne had full notice of the applicable regulations, and he chose to violate them in multiple instances even after DOBOR brought the November 9, 2017 enforcement action against him. 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 or directions of the Department. Due to Mr. Koehne's blatant disregard for the Department's rules and in order to curb any future violations of the rules, DOBOR recommends that the Board issue an administrative fine of fifteen thousand dollars (\$15,000.00) to Mr. Koehne. DOBOR has

based this recommendation on the three selected instances of violations, dated January 9, 2018, January 25, 2018, and March 18, 2018.

IV. Anticipated contested case hearing request.

As Item J-1 of the Board's regularly scheduled meeting on November 9, 2017, DOBOR brought an enforcement action against Mr. Koehne alleging multiple violations of HAR § 13-256-39(b)(5). Mr. Koehne requested a contested case hearing, which is currently ongoing. DOBOR staff anticipates that Mr. Koehne will request a contested case hearing for this enforcement action as well. Therefore, DOBOR staff requests as part of its recommendations that the Board approve the contested case hearing request, if made, and consolidate the contested cases.

RECOMMENDATIONS:

DOBOR requests that the Board:

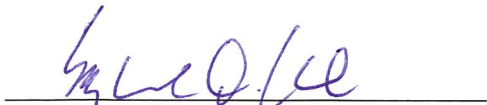
1. Find that Mr. Stephen E.J. Koehne committed three administrative violations of HAR § 13-256-39(b)(5).
2. Issue an administrative fine of fifteen thousand dollars (\$15,000.00) to Mr. Koehne for his violations of HAR § 13-256-39(b)(5).
3. Give Mr. Koehne written notice that any future violations of the Department's rules regarding commercial operation shall result in the inability to register vessel HA 2789 K for any use within the State.
4. Approve a contested case hearing, if requested, resulting from this action and consolidate all contested case hearings, if any, resulting from this action and Item J-1 of the November 9, 2017 Board meeting.

Respectfully submitted,



EDWARD R. UNDERWOOD, Administrator
Division of Boating and Ocean Recreation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

IMPORTANT!

ALWAYS CARRY THIS CERTIFICATE ON VESSEL WHILE IN USE

STATE OF HAWAII
CERTIFICATE OF NUMBER FOR UNDOCUMENTED VESSEL

HA- 2789 K		HOLE IDENTIFICATION NUMBER RID25006H717							
EXPIRATION DATE	TYPE OF VESSEL	YR. BUILT	YR. MOD.	LENGTH	HULL MTR.	FUEL	PROP.	USE	CO-OWNERS
8/2018	1	2017		25' 0"	3	1	1	1	0

STEPHEN EUGENE JOSEPH KOEHNE
PO BOX 366
KILAUEA, HI 96754

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.

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LIVE SALTY KAUAI

TRADE NAME

[GENERAL INFO](#) [OTHER FILINGS](#) [BUY AVAILABLE DOCS](#)

General Info

TRADE NAME	LIVE SALTY KAUAI
FILE NUMBER	381067 ZZ
CERTIFICATE NUMBER	4126289
STATUS	Active
PURPOSE	ONLINE ACTIVITY CONCIERGE
CATEGORY	NO CATEGORY SELECTED (0)
EXPIRATION DATE	Feb 10, 2019
REGISTRATION DATE	Feb 11, 2014
MAILING ADDRESS	4566 B KALAMANIA ROAD KILAUEA, Hawaii 96754 UNITED STATES
REGISTRANT	STEPHEN EUGENE KOEHNE

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View in: [Mobile](#) | **Classic**

Rosare, Kathy L

From: Kathy Rosare [REDACTED]
Sent: Thursday, January 11, 2018 6:34 AM
To: Rosare, Kathy L
Subject: 1/9/18 Stephan Koehne



January 9, 2018

At 8:30 AM observe Stephen loading 7 people on his 25' Riddle, HA 2789 K. Garrett West, Robert Kutkowski and myself observed this. Garrett yelled out "You know you're going out on an illegal charter, yeah?". A lady yelled back "Yeah that's all we want". on this particular trip there was 7 adults and a toddler.

Exhibit 2

Rosare, Kathy L

From: Kathy Rosare [REDACTED]
Sent: Tuesday, January 09, 2018 2:19 PM
To: Rosare, Kathy L
Subject: Stephan Koehne



Sent from my iPhone

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

INVESTIGATION # 18-0188- KA	District Hanalei	Lead Investigator Addington, Kalani	Report Status In Progress	Key Report [] Yes [X] No
Date/Time Reported 01/25/2018 10:00AM	Location Anini Beach	Classification Commercial Activities		Connecting Reports

Incident & Report Control Form

DOCARE-5 (Rev. 8/03)

A. COMPLAINT

Taken By: Kalani Addington
How Taken: Phone
Reported Date/Time 01/25/2018 10:00AM

Complainant: State of Hawaii DLNR
Home **Work** **Cell**
Phone: 808- 274-3521
Address: HI

Incident Summary Description
 Suspect
 Vehicle/Vessel:
Location: Anini Beach
Location Notes: Napali Coast

Occured From: 01/25/2018 08:00AM
Occured To:

B. REPORT CONTROL

Branch: Kauai
District: Hanalei
Lead Investigator: Kalani Addington
Date Assigned: 01/25/2018 10:00AM

C. NOTES/DISPOSITION/OTHER INFO

report # KA- 18-0188

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

INVESTIGATION # 18-0188- KA	District Hanalei	Lead Investigator Addington, Kalani	Report Status In Progress	Key Report [] Yes [X] No
Date/Time Reported 01/25/2018 10:00AM	Location Anini Beach	Classification Commercial Activities	Connecting Reports	

Investigation Report

BASIC	1. CLASSIFICATION Commercial Activities						2. SOURCE Phone	
	3. COMPLAINANT'S NAME state of hawaii DLNR			4. SEX	5. RACE	6. AGE	7. BIRTH DATE	8. OCCUPATION
	9. ADDRESS 3060 Eiwa st., Lihue, HI, 96766			10. PLACE EMPLOYED/SCHOOL ATTENDING		11. HOME	12. WORK	13. CELL
	14. LOCATION OF INCIDENT/INTERSECTING STREET anini boat ramp				15. DATE/TIME OCCURRED 01/25/2018 12:00PM		16. DATE/TIME REPORTED 01/25/2018 10:00AM	

VEHICLES	17. TYPE Boat	18. YEAR 2017	19. MAKE Riddle	20. MODEL Riddle25	21. COLOR Blue/White	22. LICENSE / HA No. HA 2789 K	23. LENGTH 25ft	24. STOLEN No
	25. REGISTERED OWNER Stephen Koehne		26. ADDRESS p.o. box 366, kilauea, HI, 96754			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
39. REGISTERED OWNER		40. ADDRESS				41. HOME	42. WORK	43. CELL
44. NOTES								

PEOPLE	45. NAME Stephen Koehne,			46. SEX Male	47. RACE	48. AGE	49. BIRTH DATE	50. OCCUPATION	
	51. CATEGORY Suspect		52. ADDRESS P.O. Box 366, Kilauea, HI, 96754			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 reporting possible commercial activity							

WRITER	79. REPORT WRITTEN BY Addington, Kalani		80. BADGE No. 18	81. DATE/TIME WRITTEN 02/14/2018 10:48AM	82. SUPERVISOR APPROVING Misson, Francis <i>[Signature]</i>	83. DATE/TIME APPROVED 02/14/18	84. BADGE No. BC
	85. DISPOSITION						

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

INVESTIGATION # 18-0188- KA	DISTRICT Hanalei	LEAD INVESTIGATOR Kalani Addington	KEY REPORT [] Yes [X] No
DATE / TIME REPORTED 1/25/2018 10:00:00 AM	LOCATION Anini Beach	CLASSIFICATION Commercial Activities	CONNECTING REPORT(S)

Report Type: [] Continuation of Report [x] Supplemental [] Follow Up
 Date/Time Written: 2/11/18
 Written By: Addington, Kalani

Report

ASSIGNED:

Assigned by Enforcement Chief R. FARELL via cell phone on 01/25/18- approximately 0930 hrs. Advised me that suspect was possibly conducting commercial activities (boat tour). Possibly going out of Hanalei.

OFFICER(S) ASSIGNED:

West District CREO's C. GANDEZA, W. TAVARES, R. RUSHFORTH, K. DONOHUE, and A. RICHARDSON

SCENE:

Anini Boat ramp (state), which is located within a county of Kauai park.

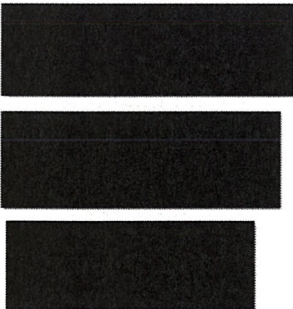
TIME/CONDITIONS:

1200 HRS. – 01/25/18 / investigation occurred during daylight hours, sunny clear conditions.


OBSERVATIONS:

Observed vessel coming from the direction of Hanalei towards Anini. As the vessel came closer, I observed approximately 10 passengers on board. Observed the HA number displayed on the side as HA2789K. Male subject personally known to me as Stephen KOEHNE was operating vessel.

PASSENGER(S):



All stated they did not pay for any boat tour. Stated boat captain is a friend and they know him through a surfer friend Ian from Maui.


 Addington, Kalani
 Officer

18
 Badge No.

02/14/18-1130 hrs.
 Date / Time

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

INVESTIGATION # 18-0188- KA	DISTRICT Hanalei	LEAD INVESTIGATOR Kalani Addington	KEY REPORT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
DATE / TIME REPORTED 1/25/2018 10:00:00 AM	LOCATION Anini Beach	CLASSIFICATION Commercial Activities	CONNECTING REPORT(S)

Report (Continued)

VESSEL OPERATOR:

Stephen KOEHNE
P.o. Box 366
Kilauea HI 96754 [REDACTED]

Stated by advise from his attorney he does not wish to make a statement.

VESSEL:

See front of ECR.

RENTAL VEHICLES OCCUPANT LEFT IN:



INVESTIGATION:

Upon receiving assignment from Enforcement Chief , I contacted my officers to meet at Anini. The Hanalei boat ramp was not being used do to shallow sand bar. Made a check of the Anini ramp area and did locate KOEHNE's vehicle with boat trailer attached.

Made contact with occupants of vessel when it came in. See attached CREO's supplementary reports and my report . Photographs were taken by CREO RUSHFORTH of vessel's arrival at Anini with occupants. Also of vehicles license plates that they left in. See attached. Made contact with vessel operator. See above.

Vessel was inspected. Report of Boarding filled out and submitted (DOCARE27) Attached . No violations. KOEHNE's vehicle , used to trailer his vessel, did have an expired safety check sticker. Computer check found it expired 10/17. Citation was issued.

Investigation revealed, unable to determine if any commercial activity occurred based on statements and no evidence of money transaction.

DISPOSITION:

PENDING

[Signature]
Addington, Kalani
Officer

18
Badge No.

2/14/18-1140
Date / Time

INVESTIGATION # 18-0188-KA	DISTRICT EAST	LEAD INVESTIGATOR Kalani Addington	KEY REPORT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
DATE / TIME REPORTED 01/25/2018	LOCATION Anini Beach	CLASSIFICATION Commercial Activities	CONNECTING REPORT(S)

Report Type: ☐ Continuation of Report ☒ Supplemental ☐ Follow Up

Date/Time Written:

Written By: Tavares, Warren

Report

SYNOPSIS:

Assisted Supervisor K. ADDINGTON with a Commercial Activities complaint.

SCENE / TIME ELEMENT:

The scene of this incident occurred at Anini Beach park vicinity of the boat ramp. The time element was about 1000hrs on 012518.

INITIAL OBSERVATIONS:

On 102518 at about 1200hrs, I observed a white Radon (boat) approaching the Anini Boat ramp area. Supervisor K. ADDINGTON then informed me that was the boat in question and to make contact with the passengers once the boat is docked. I observed approximately 10 subjects onboard.

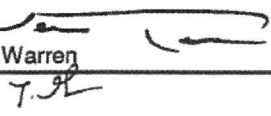
ANONYMOUS MALE ID / STATEMENT:

The male subject refused to give this officer any information

I approached a male subject and I identified myself. The male subject appeared to be upset and attempted to walk away. I asked if I could speak to him and ask him a few questions regarding the tour he just went on. The male subject refused to make any statement at this time and only stated "he is my friend and I didn't pay for the tour!"

INVESTIGATION:

While assigned to uniformed patrol, west district, on 012518 at about 1000hrs, I assisted Supervisor K. ADDINGTON with a commercial activities complaint at Anini Beach. On 102518 at about 1200hrs, I observed a white Radon (boat) approaching the Anini Boat ramp area. Supervisor K. ADDINGTON then informed me that was the boat in question and to make contact with the passengers once the boat is docked. I observed approximately 10 subjects onboard. I later approached a male subject and I identified myself. The male subject appeared to be upset and attempted to walk away. I asked if I could speak to him and ask him a few questions regarding the tour he just went on. The male subject refused to make any statement at this time and only stated "he is my friend and I didn't pay for the tour!" No further actions required by this officer.

Tavares, Warren
Officer 

250
Badge No.

021418/1134 hrs
Date / Time

INVESTIGATION # 18-0188-KA	DISTRICT East	LEAD INVESTIGATOR Kim Donohue	KEY REPORT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
DATE / TIME REPORTED 1/25/2018 12:00:00 PM	LOCATION Anini	CLASSIFICATION Commercial Activities	CONNECTING REPORT(S)

Report Type: ☐ Continuation of Report ☒ Supplemental ☐ Follow Up
 Date/Time Written: February 8, 2018/1100 hours
 Written By: Donohue, Kim

Report

SYNOPSIS: Complainant reported an illegal boat tour.

ASSIGNMENT/ARRIVAL: I am a Conservation and Resources Enforcement Officer with the Department of Land and Natural Resources. On Thursday, January 25, 2018, Supervisor K. ADDINGTON, Officers L. FERNANDES, C. GANDEZA, R. RUSHFORTH, W. TAVARES, R. RICHARDSON and I investigated this case.

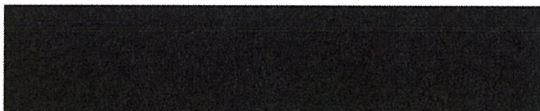
TIME/SCENE/CONDITIONS: The location of the complaint was at the Anini boat ramp. The weather was clear and the time was about 1200 hours.

OBSERVATIONS:

- I observed vessel HA2789K making way through the channel toward the Anini boat ramp.
- As the vessel approached the shoreline, I observed approximately 10 subjects on the vessel.
- I observed Stephen KOEHEN operating the vessel.
- I observed the vessel stop near the boat ramp and off-load the passengers.
- I observed Supervisor K. ADDINGTON tell the passengers that the DLNR officers are here to conduct an ongoing investigation and asked the passengers if they would provide their contact information to the officers.

WITNESS STATEMENTS:

- I approached one of the male passengers and asked if he knew the boat captain. He told me that he and his group of friends are travelling together and his friend, Ian, is a friend of the boat captain. The passenger told me he did not pay for the boat ride today.
- I asked the male subject for his name, age and address and he verbally provide me with the following information:



DISPOSITION: Pending.

Donohue, Kim
Officer

Kim Donohue
J.H.

114
Badge No.

02/09/18 @ 1100 Hours
Date / Time

INVESTIGATION # 18-0188KA	DISTRICT EAST	LEAD INVESTIGATOR Kalani ADDINGTON	KEY REPORT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
DATE / TIME REPORTED 01/25/2018 0800hrs	LOCATION Anini Beach	CLASSIFICATION Commercial Activities	CONNECTING REPORT(S)

Report Type: ☐ Continuation of Report ☒ Supplemental ☐ Follow Up
 Date/Time Written: 02/02/2018 1141hrs
 Written By: Richardson, Armalin

Report

SYNOPSIS

Complaint of Unpermitted Commercial Boat Tour in vicinity of Anini Beach.

OFFICER OBSERVATIONS

On 25 January 2018, utilizing department issued binoculars, I observed a blue and white vessel approximately 25' in length traversing through the channel towards Anini Boat ramp. There appeared to be approximately 9-10 subjects aboard the vessel. Upon arrival at the boat ramp, the operator previously identified as Stephen Koehene, along with the remaining passengers disembarked the vessel. I, along with other assigned officers, approached the subjects to obtain further information.

WITNESS STATEMENT

I made contact with a Caucasian male subject near the Anini boat ramp, as he exited the suspect vessel. The subject appeared to be approximately 30-35 years of age, 6' tall, heavy build with brownish-red hair. The subject was uncooperative and reluctant to answer questions asked of him. The subject repeatedly stated he did not understand what was going on and stated he did not feel comfortable answering any questions or providing any further information. I identified myself as a State of Hawaii DLNR Conservation Officer and explained that officers present were investigating alleged illegal commercial boat tour. The subject then stated that members of his group were not on a commercial tour and they were friends with "Steph" and knew him from Maui. The subject failed to elaborate further on the nature of the relationship when questioned. Subject denied payment of any kind for boat trip. Upon request for identification, the subject stated he did not have identification and that his name was [REDACTED]. The subject provided a contact number of [REDACTED].

Richardson, Armalin *[Signature]*
 Officer

70
 Badge No.

02-02-2018 - 1216hrs
 Date / Time

SYNOPSIS:

Reported illegal boating tours.

TIME / SCENE / CONDITIONS:

On 1/25/18 at about 1205 hours, at Anini Beach (vicinity of boat ramp), in the Daytime hours.

OBSERVATIONS:

- Observed Vessel (HA 2789 K) traversing into Anini Beach.
- Observed approximately 10 passengers on the vessel.
- Observed KOEHEN, Stephen operating the vessel.
- Observed passengers disembark the vessel at the Anini Boat Ramp.
- Observed food and drinks on the vessel.

VESSEL BOARDING:

Refer to Boarding form attached.

INVESTIGATION:

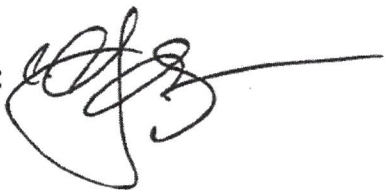
While on uniform patrol in the East District, I made the above mentioned observations. While the vessel was traversing into Anini Beach there were approximately 10 passengers on the vessel that was being operated by KOEHNE. Upon arriving at the Boat Ramp Passengers disembarked the vessel and I observed food and drinks on the vessel. When making contact with KOEHNE a boarding was conducted on his vessel. No violations were found at this time (refer

to Boarding Form attached). It was also found that KOEHNE'S vehicle (KYW679) had an expired safety check. Subject was cited for expired safety check.

DISPOSITION:

Cited

Officer:

A handwritten signature in black ink, appearing to be '232' with a stylized flourish, written over the 'Officer:' label.

Badge Number: 232

Date: 2/3/18 11:00 AM

REPORT OF BOARDING

DATE 1/25/18	BOARDING TIME 1205
-----------------	-----------------------

VESSEL DATA	VESSEL NUMBER HA 2789 K		VESSEL NAME		HIN KID25006H717	
	MAKE LIDDLE		TYPE	PROPELLSION	FUEL MATERIAL	
	MODEL LIDDLE 25		ADULT SIZE	<input checked="" type="checkbox"/> Open M/B <input checked="" type="checkbox"/> Cabin M/B <input type="checkbox"/> Sail <input type="checkbox"/> Rowboat <input type="checkbox"/> Canoe/Kayak <input type="checkbox"/> Houseboat <input type="checkbox"/> Inflatable <input type="checkbox"/> Thrillcraft <input type="checkbox"/> Other (Specify):	<input checked="" type="checkbox"/> Outboard <input type="checkbox"/> Inbrd gas <input type="checkbox"/> Inbrd Diesel <input type="checkbox"/> Inbrd/Outbrd <input type="checkbox"/> Jet Propelled <input type="checkbox"/> Sail only <input type="checkbox"/> Manual <input type="checkbox"/> Other (Specify): <input type="checkbox"/> Unknown	<input type="checkbox"/> Wood <input type="checkbox"/> Aluminum <input type="checkbox"/> Steel <input checked="" type="checkbox"/> Fiberglass <input type="checkbox"/> Rubber, Vinyl <input type="checkbox"/> Cement <input type="checkbox"/> Other (Specify): <input type="checkbox"/> Unknown
	MODEL YR. 2017	NET TONS	LENGTH 25' 0"	CHILD SIZE	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent reg) <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed (F/E & Vent reg) <input type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent reg)	
	HP 2x150	USE 1. Commercial 2. Pleasure 3. Passenger				

OWNER	NAME STEPHEN KOENIG		<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	<input checked="" type="checkbox"/> OWNER WAS OPERATOR <input type="checkbox"/> OWNER ON BOARD NOT OPERATOR <input type="checkbox"/> OWNER NOT ON BOARD <input type="checkbox"/> RENTAL BOAT
	ADDRESS P.O. Box 366			
	CITY KILGREN	STATE HI.	ZIP 96754	OPERATOR COURSES <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 SAME AS ABOVE		<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	OPERATOR AGE IF UNDER 18:
	ADDRESS			
	CITY	STATE	ZIP	OPERATOR TELEPHONE:

OBSERVED IN USE	BODY OF WATER ANINI	DETAILED LOCATION
	CITY HAWAII	
	COUNTY KAWAI	

VIOLATION / INDICATES DEFICIENCY	CITATION	UNSAFE CONDITION	CITATION
<input checked="" type="checkbox"/> NUMBERING		UNSAFE CONDITIONS CREATING ESPECIALLY HAZARDOUS CONDITIONS, TERMINATED USE	
<input checked="" type="checkbox"/> CERTIFICATE NOT ONBOARD			
<input checked="" type="checkbox"/> DECAL			
<input checked="" type="checkbox"/> PERSONAL FLOTATION DEVICE			
<input checked="" type="checkbox"/> SOUND PRODUCING DEVICE			
<input checked="" type="checkbox"/> FIRE EXTINGUISHER			
<input checked="" type="checkbox"/> BACKFIRE FLAME CONTROL			
<input checked="" type="checkbox"/> VENTILATION			
<input checked="" type="checkbox"/> NAV/ANCHOR LTS.		OTHER (SPECIFY):	
<input checked="" type="checkbox"/> VISUAL DISTRESS SIGNALS		OTHER (SPECIFY):	
NEGLIGENT OPERATION	N/A	OTHER (SPECIFY):	
OTHER (SPECIFY):		ACTION TAKEN	
		CORRECTED ON THE SPOT	
		WARNING ISSUED	
		CITATION ISSUED	
		NO VIOLATION	

REMARKS (Continue on reverse, add extra sheets if necessary):

VESSEL (HA) NO VIOLATIONS, EVERYTHING IN ABOVE BOX WAS ON VESSEL

BOARDING OFFICER'S NAME C. GANDOLZA	RANK CAPTAIN	UNIT DOCKAGE	DISTRICT EAST
DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT DEPARTMENT OF LAND AND NATURAL RESOURCES STATE OF HAWAII		BOARDING OFFICER'S SIGNATURE 	

**State of Hawaii - Notice of Traffic Infraction(s)
In the District Court of the Fifth Circuit**



CITATION NO. **BDT1-18-010121**

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawaii, declares under penalty of law that he/she has reasonable grounds to believe and does believe that on the date at the time, and under the conditions indicated, the named defendant did commit the civil traffic infraction(s) noted below and that the same is correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person	Y	N
LAST NAME KOEHN		REGISTERED OWNER	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
FIRST NAME STEPHEN		MIDDLE INITIAL(S)		
ADDRESS P.O. Box 666				
CITY HANALEI				
STATE HI		ZIP CODE 96714		
JUVENILE PROV. LIC. PARENT'S NAME (if juvenile operator) <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N				
OPERATOR LICENSE NO.		STATE HI	EXP. DATE 11/22/17	
DATE		WEIGHT	ETHNICITY (optional) WHITE	
SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F		SSN (last 4 digits) XXXX		
CONTACT PHONE NUMBER		MILITARY SERVICE <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	MILITARY ID	
EMPLOYER (if driving company vehicle)				

VEHICLE INFORMATION					
LICENSE PLATE NO.		STATE HI	HAZ. MAT. <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
MAKE Dodge	MODEL RAM	TYPE TRUCK	COLOR WHITE	YEAR 2006	CMV <input type="checkbox"/> Y <input checked="" type="checkbox"/> N

TRAFFIC INFRACTION(S) COMMITTED & MONETARY ASSESSMENT(S) PAYABLE (INCLUDING FEES)	
<input type="checkbox"/> HRS 249-2 Delinquent Vehicle Tax (exp. 1/1/18)	\$70
<input type="checkbox"/> HRS 249-7 (No. Obstructed / Unclean / License Plate / Front / Rear)	\$70
<input type="checkbox"/> HRS 249-11(a) Fraudulent Use of (Plates / Tags / Emblems)	\$280
<input type="checkbox"/> HRS 286-25 (No. Expired) Certificate of Inspection (exp. 10/20/17)	\$70
<input type="checkbox"/> HRS 286-47(3) No Certificate of Registration in Vehicle	\$70
<input type="checkbox"/> HRS 286-102.6 Violation of Provisional License Requirements	COURT
<input type="checkbox"/> HRS 286-116(a) No (License / Insurance Card) on Person	\$122
<input type="checkbox"/> HRS 291-116(a) No Seat Belt	\$112
<input type="checkbox"/> HRS 291-211.5(a) Tinted Glass - Owner	\$287
<input type="checkbox"/> HRS 291-25(a) (No / Defective) Headlight on Motor Vehicle	\$47
<input type="checkbox"/> HRS 291-31(a) (No / Defective) Tail Light on Motor Vehicle	\$47
<input type="checkbox"/> HRS 291-35.4 Bumper Height Regulation	\$137
<input type="checkbox"/> HRS 291C-14 Duty to (Give Information / Render Aid)	\$347
<input type="checkbox"/> HRS 291C-15 Duty Upon Striking Unattended (Vehicle / Property)	\$347
<input type="checkbox"/> HRS 291C-32(a)(3)(A) Disregarding Steady Red Signal	\$97
<input type="checkbox"/> HRS 291C-38 Disregarding () Traffic Lane Lines	\$97
<input type="checkbox"/> HRS 291C-47(b) No Passing Zones	\$97
<input type="checkbox"/> HRS 291C-53(b) Disregarding Stop Sign	\$107
<input type="checkbox"/> HRS 291C-51(3) Prohibited Turn at Intersection	\$97
<input type="checkbox"/> HRS 291C-101 Basic Speed Rule	\$157
<input type="checkbox"/> HRS 291C-102(a)(1) Exceeding the Speed Limit	
<input type="checkbox"/> 10 MPH Over Limit	MPH over
<input type="checkbox"/> 11-29 MPH Over Limit	MPH over
<input type="checkbox"/> HRS 291C-104 Speeding in Construction Zone	\$407
<input type="checkbox"/> HRS 291C-104(a) Speeding in School Zone	\$422
<input type="checkbox"/> HRS 291C-137(a) Mobile Elec Device Prohibited	\$307
<input type="checkbox"/> HRS 291C-137(b) Mobile Elec Device Prohibited - School/Constr. zone	\$357
<input type="checkbox"/> HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs)	\$257
<input type="checkbox"/> HRS 291C-137(d) Mobile Elec Device Prohibited (under 18yrs) - School/Constr. zone	\$307
<input type="checkbox"/> KCC 16-17.30 No (Windshield / Hood / Fenders / Bumpers)	\$72
<input type="checkbox"/> KCC 16-17.31 No Mudguards	\$72
SECTION	DESCRIPTION

DETAILS REGARDING THE INFRACTION(S) CHARGED			
DATE (Month / Day / Year) 1/25/18	TIME 1200	DISTRICT EAST	BEAT ANINI
WEATHER <input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> OVERCAST <input type="checkbox"/> DRIZZLE <input type="checkbox"/> RAIN			
ROAD <input type="checkbox"/> DRY <input type="checkbox"/> WET <input type="checkbox"/> CONCRETE <input type="checkbox"/> ASPHALT <input type="checkbox"/> DIRT			
TRAFFIC LIGHTING <input type="checkbox"/> LIGHTS <input type="checkbox"/> MEDIUM <input type="checkbox"/> HEAVY			
<input type="checkbox"/> DAWN <input checked="" type="checkbox"/> DAYLIGHT <input type="checkbox"/> DUSK <input type="checkbox"/> DARKNESS			
NO. OF OCCUPANTS	ADULT MALE(S)	ADULT FEMALE(S)	CHILDREN
	0	0	0
LOCATION OF VIOLATION ANINI BOAT CAMP			MM#
VANTAGE POINT PARKED			
LANE OF TRAVEL PARKED			
SIGN(S) POSTED TRUCK PARKING			
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> IT WAS CERTIFIED IN THE ABOVE DEVICE <input type="checkbox"/> LASER DISTANCE			
<input type="checkbox"/> DEVICE/SPEEDMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S)		ACCIDENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	INJURY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PROPERTY DAMAGE		REPORTING	
<input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR			
OFFICER'S OBSERVATIONS (optional) OBSERVED VEHICLE EXW677 PARKED AT ANINI BOAT CAMP. VEHICLE HAD EXPIRED SAFETY CHECK OCT 2017.			

COMPLAINING OFFICER INFORMATION	
PRINT RANK, FIRST INITIAL, & LAST NAME C. G. ANDERSON	ID NO. 272
OFFICER'S SIGNATURE <i>[Signature]</i>	DATE OF ISSUANCE 1/25/18

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I acknowledge service of this Notice. I understand that my signature is not an admission of responsibility.

X <i>[Signature]</i> Defendant's Signature	<input type="checkbox"/> DEFENDANT REFUSES TO SIGN
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NOTE TO DEFENDANT: Please read the instructions on the reverse side carefully, then complete and return your Answer to this Notice (tear away flap on the preprinted envelope), along with any payment or written statement in support of your Answer, within 21 calendar days from the date of this Notice, either by mail, in person, via the Internet, or by telephone. If you choose to mail an Answer, payment, or written statement, please use the preprinted envelope, seal the contents, affix postage, and be sure your mailing is postmarked within 21 calendar days from the date of this Notice. The Post Office will not deliver without proper postage. Please calculate the total amount due by adding the monetary assessments for each infraction charged and enter the total in the box at right.

If you are a "PROVISIONAL LICENSE HOLDER" or if the word "COURT" is listed next to an infraction that you are charged with committing, you are hereby directed to appear before the District Court of the Fifth Circuit on the date and at the time and location designated below to answer the charge(s). Failure to obey this Notice and Summons may result in a fine, imprisonment, arrest on other charges, and/or other penalties.

SUMMONS		
COURT LOCATION		
District Court of the Fifth Circuit • 3970 Kalana Street, Lihue, Hawaii 96766		
DATE	TIME	COURTROOM
		2

**DOCARE
PHOTOGRAPHIC REPORT**

Report# 18-0188-KA

Classification: Illegal Commercial Boating Activity

Date & Time Taken: 01-25-18 / 1204 hours

Taken by: Robert Rushforth

Equipment: Fujifilm X-E2 with 18 - 55mm lens.

Photo Description: Vessel HA-2789-K approaching Anini Beach with approximately 11 people on board.


Officer

83
Badge No.

1-31-18 / 1003 Hrs
Date / Time

Photo# 1 of 6



DOCARE
PHOTOGRAPHIC REPORT

Report# 18-0188-KA

Classification: Illegal Commercial Boating Activity

Date & Time Taken: 01-25-18 / 1205 hours

Taken by: Robert Rushforth

Equipment: Fujifilm X-E2 with 18 - 55mm lens.

Photo Description: Vessel displaying HA-2789-K in the process of disembarking 11 people at Anini Beach.

FR

Officer

83

Badge No.

1-31-18 / 1003 HRS

Date / Time

Photo# 2 of 6



DOCARE
PHOTOGRAPHIC REPORT

Report# 18-0188-KA

Classification: Illegal Commercial Boating Activity

Date & Time Taken: 01-25-18 / 1205 hours

Taken by: Robert Rushforth

Equipment: Fujifilm X-E2 with 18 - 55mm lens.

Photo Description: Vessel displaying HA-2789-K finishing the process of disembarking 11 people at Anini Beach.

RR

Officer

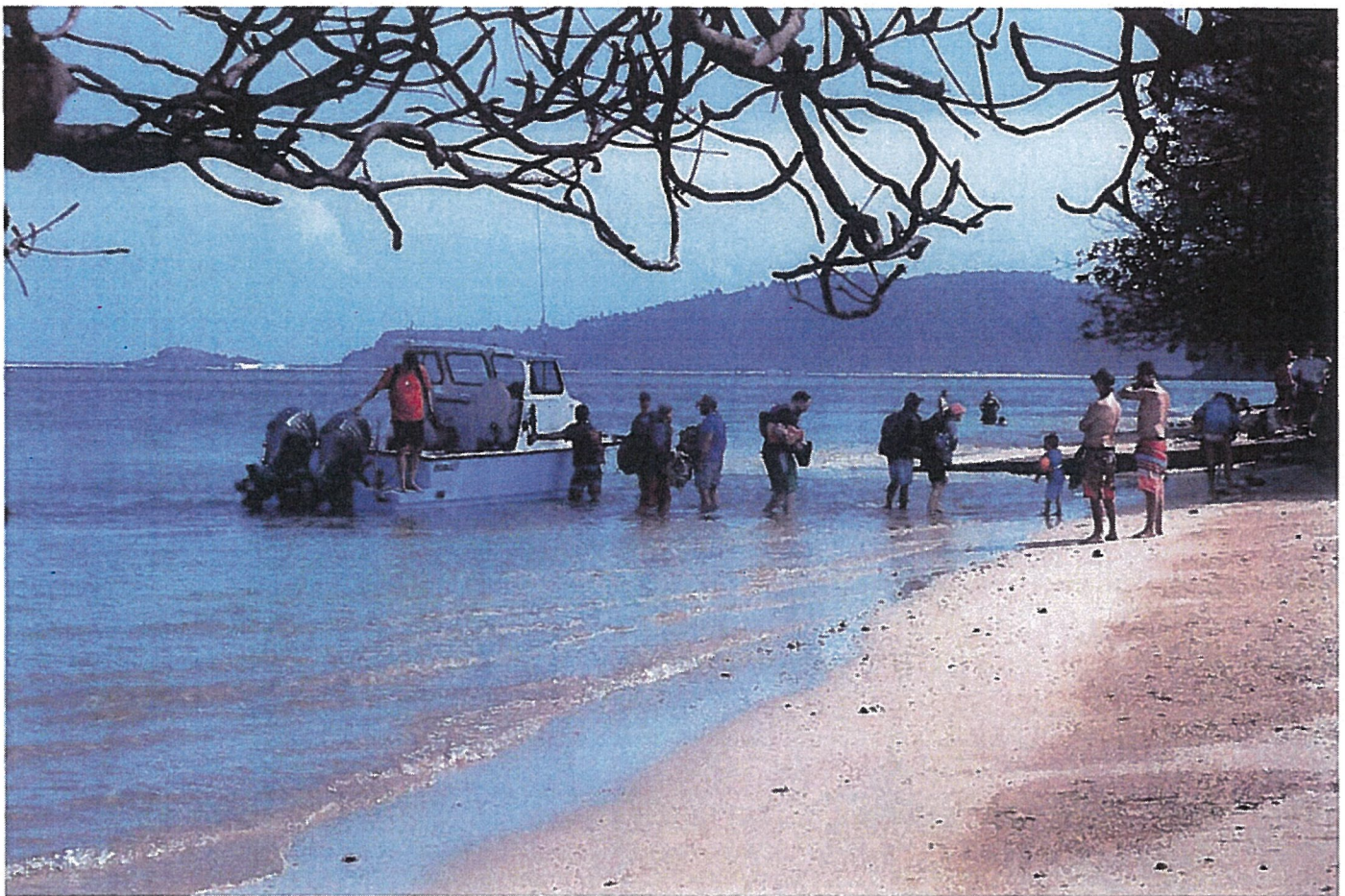
83

Badge No.

1-31-18 / 1003 HRS

Date / Time

Photo# 3 of 6



**DOCARE
PHOTOGRAPHIC REPORT**

Report# 18-0188-KA

Classification: Illegal Commercial Boating Activity

Date & Time Taken: 01-25-18 / 1212 hours

Taken by: Robert Rushforth

Equipment: Fujifilm X-E2 with 18 – 55mm lens.

Photo Description: Operator of the vessel securing HA-2789-K to trailer prior to pulling it out of the water.

RR

Officer

83

Badge No.

1-31-18/1003 HTS

Date / Time

Photo# 4 of 6



DOCARE
PHOTOGRAPHIC REPORT

Report# 18-0188-KA

Classification: Illegal Commercial Boating Activity

Date & Time Taken: 01-25-18 / 1213 hours

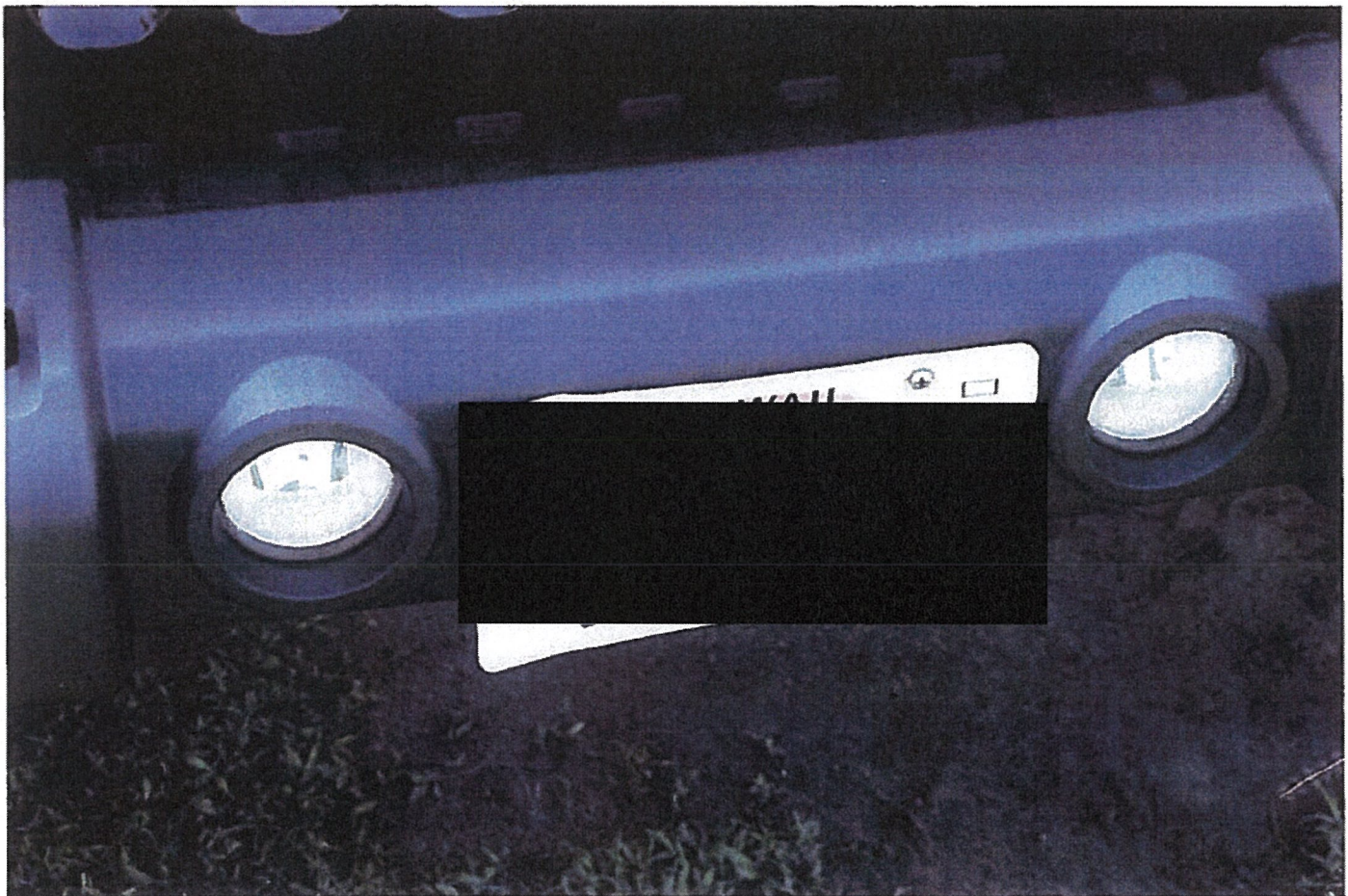
Taken by: Robert Rushforth

Equipment: Fujifilm X-E2 with 18 - 55mm lens.

Photo Description: I followed the group to their vehicles. This is one of the vehicles the group got into. On the way to the vehicles several of the group said that they are traveling together and staying in an ocean side rental house nearby.

Officer RR Badge No. 83 Date / Time 1-31-18 / 1003 HRS

Photo# 5 of 6



**DOCARE
PHOTOGRAPHIC REPORT**

Report# 18-0188-KA

Classification: Illegal Commercial Boating Activity

Date & Time Taken: 01-25-18 / 1212 hours

Taken by: Robert Rushforth

Equipment: Fujifilm X-E2 with 18 - 55mm lens.

Photo Description: I followed the group to their vehicles. This is one of the vehicles the group got into. On the way to the vehicles several of the group said that they are traveling together and staying in an ocean side rental house nearby.

RR

Officer

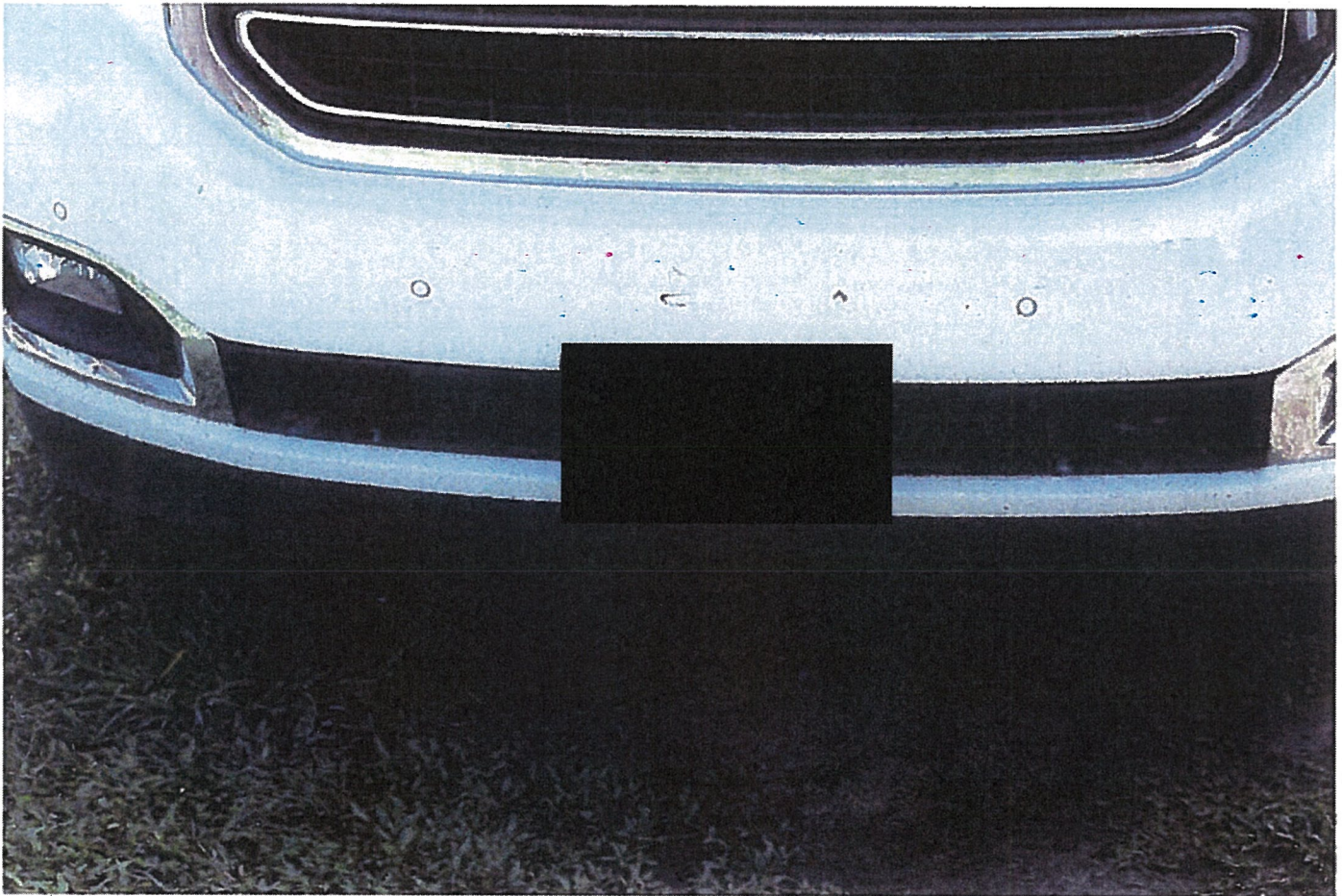
83

Badge No.

1-13-18 / 1003 HRS

Date / Time

Photo# 6 of 6



Tashima, Todd H

From: Borden, Joseph V
Sent: Monday, March 19, 2018 10:31 AM
To: Tashima, Todd H
Subject: Fw: Stephen 3/18/18 8 am

*Joseph "Joe" Borden
Kauai District Manager
2494 Niumalu Road
Lihue, HI. 96766
Ph. (808) 241-3113
Fx. (808) 241-3117*

From: Rosare, Kathy L
Sent: Monday, March 19, 2018 10:06 AM
To: Borden, Joseph V
Subject: Stephen 3/18/18 8 am

Kathy Rosare
Harbor Agent II

State of Hawaii, Dept. of Land and Natural Resources
Division of Boating and Ocean Recreation – Kauai
2494 Niumalu Road
Lihue, HI 96766
Nawiliwili - 808-241-3110
Port allen - 808-335-8400

From: Kathy Rosare [mailto:kathyrosare@gmail.com]
Sent: Sunday, March 18, 2018 8:18 AM
To: Rosare, Kathy L <kathy.l.rosare@hawaii.gov>
Subject: Stephen 3/18/18 8 am

Stephen leaving Anini with 6 passengers. Per [REDACTED] he asked one of the passengers if they were on a charter and the guy in the photo said yes.



Sent from my iPhone

Tashima, Todd H

From: Horio, Edwin K
Sent: Thursday, February 15, 2018 9:50 AM
To: Tashima, Todd H
Subject: FW: Unpermitted boating

Eddie Horio
Auditor
Division of Boating and Ocean Recreation Ph.# 808-587-0131 Fax# 808-587-1971

-----Original Message-----

From: Rosare, Kathy L
Sent: Thursday, February 15, 2018 9:48 AM
To: Horio, Edwin K <edwin.k.horio@hawaii.gov>
Subject: Unpermitted boating

Kathy Rosare
Harbor Agent II

State of Hawaii, Dept. of Land and Natural Resources Division of Boating and Ocean Recreation – Kauai
2494 Niumalu Road
Lihue, HI 96766
Nawiliwili - 808-241-3110
Port allen - 808-335-8400

-----Original Message-----

From: [REDACTED]
Sent: Thursday, February 15, 2018 8:04 AM
To: Rosare, Kathy L <kathy.l.rosare@hawaii.gov>
Subject: Unpermitted boating

Hello Kathy
Hre are the days I have written down for Steph

Dec 2017
7 passengers

Dec 30
4 passengers

2018

January 9th 7 passengers,

January 25th 10 passengers,(two) DLNR trucks here noon

January 28th 5 passengers,sent to Kathy

January 29th 4 passengers Driver dropped off passengers

