

To: BLNR DOCKET ITEM M-4 [10 September 2021 Meeting]
Island Helicopters Kauai, Inc.

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Synopsis: Testimony requests summary denial of M-4 as vague, illegal, arbitrary and capricious under both Hawai'i and federal laws and regulations, and that the DOTA/BLNR consideration of Item M-4 would constitute an illegal rulemaking under HAPA.

Requests contested case hearing on behalf of Safari Aviation, Inc. ("Safari"), and asserts BLNR meeting procedures and consideration of Item M-4 without a contested case hearing will deny due process/equal protection due in part to Island's prior *ex parte* and deceptive, false communications to Lau/BLNR/DLNR that falsely bolstered Island's prior claims to good faith conduct and or victimhood status.

Testimony seeks deferral of Item M-4 if not summarily denied to allow time to request/obtain relevant Department of Transportation Airports ("DOTA"), the Department of the Attorney General ("DAG"), BLNR and/or DLNR containing information and records documenting Island's prior *ex parte* communications and/or Island's communications intended to influence or attempting to coerce or intimidate Lau and DOTA to withdraw from BLNR consideration Items M-9 and M-10 previously scheduled for decision-making at the 13 November 2020 BLNR meeting.

Testimony requests an Inspector General or other independent investigation into Applicant Island Helicopters Kauai, Inc. ("Island") and Deputy Attorney General Michael Lau ("Lau") and/or others for designing and submitting M-4 in a manner to conceal that the requested relief of exclusive rental abatement is a collusive and covert attempt to effectuate *de facto* settlement/compensation to Island in the case and cause styled as "*Island Helicopters Kauai, a Hawaii Corporation vs. State of Hawai'i Department*", Civil No. 17-1-1288-08 (JPC) ("Litigation").

Testimony seeks deferral of Item M-4 if not summarily denied to allow time to request/obtain relevant DOTA, DAG, BLNR and/or DLNR documents and communication containing information and records documenting Island's prior *ex parte* communications and/or Island's communications intended to influence or attempting to coerce or intimidate Lau, BLNR and DOTA by threatening to elicit testimony from their agents and employees as part of the litigation.

Testimony seeks immediate initial ruling by BLNR that DOTA and Lau must fully disclose in written form the historical, factual and legal basis for the General Aviation rates pursuant to § 261-7 (g) HRS and retroactive rental forgiveness being sought for Island, and for the contents of all oral or preserved communications between DOTA/DAG/Lau and Island (or its various legal counsel including Mr. Starshak, Ms. McAneeley, or Mr. Simon). Testimony also seeks written DOTA/DAG statement of their contemplated procedure for implementing § 261-7 (g) HRS.

Testimony suggests that DAG/DOA and BLNR have all caused this crisis and should review their prior conduct and comments in:

1. Jack Harter Helicopters, Inc., Item M-7 [25 July 2014]
2. Jack Harter Helicopters, Inc., Item M-27 [26 February 2016]
3. Jack Harter Helicopters, Inc., Item M-10 [22 April 2016]