

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Boating and Ocean Recreation  
Honolulu, Hawaii 96819

November 12, 2021

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

SUBJECT: Approval of petition for a contested case hearing (CCH) by Thomas P. Bellit regarding October 8, 2021 enforcement action for alleged illegal commercial activity, in violation of Hawaii Administrative Rules (HAR) §§ 13-256-3 & 13-256-73.1.

SUMMARY:

Thomas P. Bellit requests a CCH concerning the October 8, 2021 Board of Land and Natural Resources (Board) enforcement action brought by the Division of Boating and Ocean Recreation (DOBOR). Mr. Bellit is entitled to a CCH, and DOBOR staff recommends the Board approve Mr. Bellit's CCH petition.

BACKGROUND:

As Item J-2 of the Board's regularly scheduled meeting on October 8, 2021, DOBOR brought an enforcement action against Mr. Bellit for alleged illegal commercial activity, in violation of HAR §§ 13-256-3 & 13-256-73.1 (attached as **EXHIBIT A**). Mr. Bellit verbally requested a CCH petition at the October 8, 2021 Board meeting, then submitted a written CCH petition to the Board on October 18, 2021 (attached as **EXHIBIT B**).

DISCUSSION:

HAR § 13-1-29(a) provides in relevant part:

An oral or written request for a contested case hearing must be made to the board no later than the close of the board meeting at which the subject matter of the request is scheduled for board disposition. An agency or person so requesting a contested case must also file (or mail a postmarked) written petition with the board for a contested case no later than ten calendar days after the close of the board meeting at which the matter was scheduled for disposition.

As stated above, Mr. Bellit verbally requested a CCH at the October 8, 2021 Board meeting and submitted his written CCH petition on October 18, 2021. Mr. Bellit therefore meets the deadline requirements of HAR § 13-1-29(a).

Additionally, because the October 8, 2021 enforcement action involves penalties for alleged violations, Mr. Bellit is entitled to a contested case hearing.

RECOMMENDATION:

DOBOR recommends that the Board:

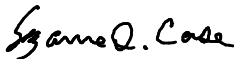
- 1) Approve Thomas P. Bellit's petition for a contested case hearing; and
- 2) Authorize the Chairperson to take any and all actions necessary to effectuate its decision including, but not limited to, appointing a Hearing Officer for Mr. Bellit's contested case hearing.

Respectfully Submitted,



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

APPROVED FOR SUBMITTAL:



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

Attachments:

- A. Administrative enforcement action against Thomas P. Bellit (October 8, 2021, Agenda Item J-2); and
- B. Contested case hearing petition by Thomas Bellit (submitted October 18, 2021)



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

October 8, 2021

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 13-256-3, Commercial use permit or catamaran registration certificate requirements, and Section 13-256-73.1, Kaneohe Bay ocean waters commercial use permits, against Thomas P. Bellit for conducting commercial activity without a commercial use permit or prior approval from the Department and loading passengers at the Heeia Kea small boat harbor launch ramp.

**SUMMARY:**

This submittal requests that the Board of Land and Natural Resources (Board) find Thomas P. Bellit in violation of Hawai'i Administrative Rule (HAR) Section 13-256-3 Commercial use permit or catamaran registration certificate requirements, which requires all commercial operators to obtain a commercial use permit (CUP) from the Division of Boating and Ocean Recreation (DOBOR) in order to engage in commercial activity in Hawai'i ocean waters, and HAR Section 13-256-73.1, Kaneohe Bay ocean waters commercial use permits, specifically subsection (k), which prohibits passenger loading and unloading at the Heeia Kea small boat harbor launch ramp.

DOBOR recommends that the Board issue an administrative fine of one hundred eighty thousand dollars (\$180,000.00) for violation of HAR Section 13-256-3 and one hundred eighty thousand dollars (\$180,000.00) for violation of HAR Section 13-256-73.1, as authorized by Hawai'i Revised Statutes (HRS) Section 200-14.5(c).

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

Against:	Thomas P. Bellit
Vessel Registration No.:	HA 4349 K
Vessel Name:	"CARRY ON"

Dates of incidents: May 10, 14, 27, and 28, 2021  
June 14, 23, and 29, 2021  
July 2, 9, and 30, 2021  
August 17, 2021  
September 7 and 8, 2021

Locations of incidents: He'eia Kea small boat harbor and Kāne'ohe Bay Ocean Waters, O'ahu

Violations: Thirteen (13) counts of engaging in illegal commercial activity in violation of HAR Section 13-256-3 Commercial use permit or catamaran registration certificate requirements.

Thirteen (13) counts of loading passengers at the Hee'ia Kea small boat harbor launch ramp in violation of HAR Section 13-256-73.1, Kaneohe Bay ocean waters commercial use permits, specifically subsection (k).

Recommended Penalty: Administrative fine of one hundred eighty thousand dollars (\$180,000.00) for violation of HAR Section 13-256-3, pursuant to HRS Section 200-14.5(c).

Administrative fine of one hundred eighty thousand dollars (\$180,000.00) for violation of HAR Section 13-256-73.1, pursuant to HRS Section 200-14.5(c).

### INTRODUCTION:

Pursuant to HAR Section 13-256-3, in order to conduct commercial activities in state ocean waters, an operator must obtain a valid CUP issued by the Department. Mr. Bellit does not hold a required CUP and has not applied for such a permit with DOBOR. Additionally, pursuant to HAR Section 13-256-73.1, it shall be prohibited for any person to load and unload passengers from any boat launch ramp at the He'eia Kea small boat harbor.

The vessel with registration number HA 4349 K is the vessel to which the alleged violations in this enforcement action apply. Mr. Bellit 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 4349 K is included in **Exhibit A**).

DOBOR O'ahu staff observed Mr. Bellit conducting group boat charters with indications of commercial activity on several separate occasions without a valid CUP and have reason to believe that Mr. Bellit has conducted these boat tours on numerous additional

occasions. DOBOR O'ahu staff also observed Mr. Bellit loading passengers for hire at the He'eia Kea small boat harbor launch ramp on several separate occasions.

Mr. Bellit was repeatedly notified by DOBOR O'ahu staff that commercial operators are required to obtain a CUP for the area in order to conduct commercial activities and that his actions of providing commercial charters, as well as loading passengers for hire at a He'eia Kea small boat harbor launch ramp, would be in violation of DOBOR administrative rules. Mr. Bellit therefore had full knowledge of the existing restrictions when he conducted the allegedly unlawful activities.

#### FACTUAL BACKGROUND:

Mr. Bellit owns and operates the vessel "CARRY ON," with Hawaii registration number HA 4349 K, which he has used to conduct alleged commercial activities from the He'eia Kea small boat harbor and within Kaneohe Bay ocean waters, Windward Oahu Ocean Recreation Management Area. Mr. Bellit's vessel is registered as a recreational vessel and has no attendant commercial permits (see **Exhibit A** for vessel registration information).

The following timeline is presented to summarize the incidents that took place between May 7, 2021 and August 17, 2021 pertaining to Mr. Bellit's alleged violations of HAR Section 13-256-3 and Section 13-256-73.1. Pictures and staff documentation are attached as **Exhibit B**.

May 7, 2021: DOBOR staff is notified by a member of the public that Mr. Bellit is using his vessel for commercial activity and that Mr. Bellit's wife is responding to requests for boat charters to Ahu O Laka on the Kailua "Share-Buy-Sell-Trade" Facebook page (see **Exhibit B**).

May 10, 2021: DOBOR O'ahu staff observes Mr. Bellit loading nine (9) passengers for hire at the He'eia Kea small boat harbor launch ramp at approximately 10:05am and embarking on a commercial charter (see **Exhibit B**).

May 14, 2021: DOBOR O'ahu staff observes Mr. Bellit loading five (5) passengers for hire at the He'eia Kea small boat harbor launch ramp at and embarking on a commercial charter (see **Exhibit B**).

May 27, 2021: DOBOR O'ahu staff observes Mr. Bellit loading passengers for hire at the He'eia Kea small boat harbor launch ramp at approximately 11:00am and embarking on a commercial charter (see **Exhibit B**).

May 28, 2021: DOBOR O'ahu staff observes Mr. Bellit loading six (6) passengers for hire at the He'eia Kea small boat harbor launch ramp at approximately 10:15am and embarking on a commercial charter (see **Exhibit B**).

June 14, 2021: DOBOR O'ahu staff observes Mr. Bellit loading seven (7) passengers for hire at the He'eia Kea small boat harbor launch ramp at approximately 10:15am and embarking on a commercial charter (see **Exhibit B**).

June 23, 2021: DOBOR O'ahu staff observes Mr. Bellit loading thirteen (13) passengers for hire at the He'eia Kea small boat harbor launch ramp at approximately 10:30am and embarking on a commercial charter (see **Exhibit B**).

June 29, 2021: DOBOR O'ahu staff observes Mr. Bellit loading ten (10) passengers for hire at the He'eia Kea small boat harbor launch ramp at approximately 10:50am and embarking on a commercial charter (see **Exhibit B**).

July 2, 2021: DOBOR O'ahu staff observes Mr. Bellit loading eight (8) passengers for hire at the He'eia Kea small boat harbor launch ramp at approximately 10:40am and embarking on a commercial charter (see **Exhibit B**).

July 9, 2021: DOBOR O'ahu staff observes Mr. Bellit loading five (5) passengers for hire at the He'eia Kea small boat harbor launch ramp at approximately 9:45am and embarking on a commercial charter (see **Exhibit B**).

July 30, 2021: DOBOR O'ahu staff observes Mr. Bellit loading approximately six (6) to eight (8) passengers for hire at the He'eia Kea small boat harbor launch ramp at approximately 10:00am and embarking on a commercial charter (see **Exhibit B**).

August 17, 2021: DOBOR O'ahu staff observes Mr. Bellit loading fifteen (15) passengers for hire at the He'eia Kea small boat harbor launch ramp at approximately 10:15am and embarking on a commercial charter (see **Exhibit B**).

September 7, 2021: DOBOR O'ahu staff observes Mr. Bellit loading fourteen (14) passengers for hire at the He'eia Kea small boat harbor launch ramp at approximately 1:10pm and embarking on a commercial charter (see **Exhibit B**).

September 8, 2021: DOBOR O'ahu staff observes Mr. Bellit loading eight (8) passengers for hire at the He'eia Kea small boat harbor launch ramp at approximately 10:50am and embarking on a commercial charter (see **Exhibit B**).

#### REGULATORY AUTHORITY FOR ENFORCEMENT:

*I. Applicable Hawai'i Administrative Rules Provisions:*

*A. Administrative Rules Violated*

HAR Section 13-256-3, Commercial use permit or catamaran registration certificate requirements, requires all persons engaging in commercial activity on state ocean waters to obtain a CUP from DOBOR as follows:

All operators of commercial vessels, water craft or water sports equipment or activities conducting commercial tours or instruction on State ocean waters must obtain a commercial use permit or where applicable a catamaran registration certificate to be issued by the department, except for those operating out of a commercial harbor. The applicant for such permit shall comply with the applicable provisions stated in sections 13-231-50 to 13-231-70.

HAR Section 13-256-73.1, Kaneohe Bay ocean waters commercial use permits, subsection (k) provides: "There shall be no passenger loading and unloading at a launch ramp at Heeia Kea small boat harbor."

*B. Relevant Definitions*

Pursuant to HAR Section 13-230-8, Definitions:

"Commercial activity" means to engage in any action or attempt to engage in any action designed for profit, which includes, but is not limited to, the exchange or buying and selling of commodities; the providing of services relating to or connected with trade, traffic, or commerce in general; any activity performed by the commercial operator or its employees or agents in connection with the delivery of such commodities or services; and the soliciting of business, including the display or distribution of notices, business cards, or advertisements for commercial promotional purposes.

"Commercial vessel" means a vessel engaged in any trade, business, or commercial activity, 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.

"Vessel carrying passengers for hire" means 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.

*C. Other Relevant Administrative Rules*

Pursuant to HAR Section 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 Section 13-256-3 and Section 13-256-73.1*

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

The prohibited activities under HAR Sections 13-256-3 and 13-256-73.1 involve unauthorized commercial activity in state ocean waters and "passenger loading and unloading at a launch ramp at He'eia Kea small boat harbor", respectively. Carrying passengers for hire in state ocean waters without a valid CUP from DOBOR is prohibited. Loading and unloading passengers at any boat launch ramp in He'eia Kea small boat harbor is prohibited regardless of whether an operator possesses a valid CUP.

There is substantial and well-documented evidence that Mr. Bellit's vessel has been repeatedly loading passengers at the He'eia Kea small boat harbor launch ramp and carrying those passengers for hire during the period of May 7, 2021 to September 8, 2021. There is also an extensive history of complaints from the public of Mr. Bellit's alleged illegal commercial activities in state ocean waters. Accordingly, the critical issue is whether Mr. Bellit's vessel meets the definition of a "commercial vessel", and whether Mr. Bellit has been engaged in "commercial activity" as defined in the administrative rules.

With respect to whether Mr. Bellit's vessel is a commercial vessel, DOBOR administrative rules define a commercial vessel as "a vessel engaged in a trade or business" and includes "carrying passengers for hire." Here, there is substantial and well-documented evidence that Mr. Bellit's vessel was being used to carry passengers for hire. In the pictures taken by DOBOR O'ahu staff documenting Mr. Bellit's alleged illegal commercial activities, Mr. Bellit is carrying different passengers each time. This fact, together with the high number of voyages DOBOR O'ahu staff witnessed, makes it highly unlikely that Mr. Bellit is only carrying friends or family. There is also evidence that Mr. Bellit's wife has been responding to requests for boat charters to Ahu O Laka on the Kailua "Share-Buy-Sell-Trade" Facebook page, which would further contradict an argument that the passengers aboard Mr. Bellit's vessel are his friends or family. Therefore, Mr. Bellit's vessel is a "commercial vessel" under the definitions in DOBOR administrative rules.

With respect to whether Mr. Bellit'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 this investigation, there was no clear documentation of money being exchanged. However, the definition of commercial activity is not limited to situations involving the exchange of money. The definition also includes activities such as the "providing of services relating to or connected with trade, traffic, or commerce in general." Mr. Bellit's commercial services therefore constitute "commercial activity" because he carried passengers for hire aboard his vessel.

There is also circumstantial evidence that Mr. Bellit is engaged in a commercial venture involving payment of compensation, shown by Mr. Bellit's wife responding to at least

one person on the Kailua "Share-Buy-Sell-Trade" Facebook page to a request for a boat charter to Ahu O Laka.

*II. Mr. Bellit did not comply with HAR requirements and restrictions.*

Mr. Bellit neither obtained a permit from the Department pursuant to HAR Section 13-256-3 to operate a commercial vessel in state ocean waters, nor did he receive prior written approval from the Department or execute an agreement with the Department to operate commercially in state ocean waters pursuant to HAR Section 13-231-51.

Mr. Bellit violated HAR Section 13-256-3: he was witnessed by DOBOR O'ahu staff allegedly carrying passengers for hire without a valid CUP in Kāne'ohe Bay ocean waters on Thirteen (13) occasions.

Mr. Bellit also violated HAR Section 13-256-73.1: he was witnessed by DOBOR O'ahu staff loading passengers at the He'eia Kea small boat harbor launch ramp on Thirteen (13) occasions.

*III. Administrative Fine authorized by Hawaii Revised Statutes.*

Pursuant to HAR Section 13-230-4(b), "[e]ach day or instance of violation shall constitute a separate offense." As evidenced by the attached reports, Mr. Bellit was observed on Thirteen (13) occasions conducting unauthorized commercial activity in violation of HAR Section 13-256-3 and Thirteen (13) occasions of loading passengers at the He'eia Kea small boat harbor launch ramp in violation of HAR Section 13-256-73.1. Pursuant to HRS Section 200-14.5(c), Mr. Bellit can be fined five thousand dollars (\$5,000.00) for the first violation, ten thousand dollars (\$10,000.00) for the second violation, and fifteen thousand dollars (\$15,000.00) for the third and each subsequent violation.

There are no mitigating factors that DOBOR staff believes would justify a lesser fine for the violations listed above. Mr. Bellit had full notice of the applicable regulations, and he chose to violate them in multiple instances even after being informed by DOBOR staff that he was in violation. 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. Bellit'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 administrative fines to Mr. Bellit in the amount of one hundred eighty thousand dollars (\$180,000.00) for his violations of HAR Section 13-256-3 and one hundred eighty thousand dollars (\$180,000.00) for his violations of HAR Section 13-256-73.1, for a total of three hundred sixty thousand dollars (\$360,000.00) in fines.



Pursuant to HRS Section 200-14.5(c), DOBOR has calculated the recommended fines as follows:


- One (1) fine of five thousand dollars (\$5,000.00) for the first violation.
- One (1) fine of ten thousand dollars (\$10,000.00) for the second violation.
- Eleven (11) fines of fifteen thousand dollars (\$15,000.00) each for the third and subsequent violations.

RECOMMENDATIONS:

DOBOR requests that the Board:

1. Find that Thomas P. Bellit committed Thirteen (13) administrative violations of HAR Section 13-256-3 and Thirteen (13) administrative violations of HAR Section 13-256-73.1.
2. Issue an administrative fine of one hundred eighty thousand dollars (\$180,000.00) to Mr. Bellit for his violation of HAR Section 13-256-3, pursuant to HRS Section 200-14.5(c).
3. Issue an administrative fine of one hundred eighty thousand dollars (\$180,000.00) to Mr. Bellit for his violation of HAR Section 13-256-73.1, pursuant to HRS Section 200-14.5(c).
4. Prohibit Mr. Bellit from obtaining any type of use permit from DOBOR, including, but not limited to, mooring permits and CUPs, for twenty-four (24) months from the date of this submittal, pursuant to HAR Section 13-231-1(d).
5. Give Mr. Bellit written notice that any future violations of the Department's rules regarding commercial operation shall result in the inability to register vessel HA 4349 K for any use within the State.

Respectfully submitted,

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

APPROVED FOR SUBMITTAL:



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

Attachments:

- A. Vessel Registration Document for HA 4349 K
- B. Documentation of Alleged Commercial Activity

REGISTRATION ID: 9709

**IMPORTANT!**

ALWAYS CARRY THIS CERTIFICATE ON VESSEL WHILE IN USE

STATE OF HAWAII

CERTIFICATE OF NUMBER FOR UNDOCUMENTED VESSEL

VESSEL NUMBER	HULL IDENTIFICATION NUMBER	EXPIRATION DATE	STATE OF PRINCIPAL USE
HA 4349 K	MAU01279I001	04/30/2022	HI

MAKE & MODEL Maurell Unknown

TYPE VESSEL	MODEL YEAR	LENGTH	HULL MATERIAL	ENGINE DRIVE	FUEL	PROP	USE
PNT	2001	40'00"	AL	OB	G	PROP	P

LIEN HOLDER

CO-OWNER 0

Thomas Bellit



SAFE  
BOATING  
IS  
NO  
ACCIDENT!

SEE REVERSE SIDE FOR IMPORTANT INSTRUCTIONS

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

**Exhibit A**

## Wormald, Patrick C

---

**From:** Borabora, Tanya L.  
**Sent:** Friday, May 07, 2021 10:21 AM  
**To:** Wormald, Patrick C  
**Subject:** FW: Screen Shot 2021-05-07 at 8.35.25 AM.png

**From:** Underwood, Ed R  
**Sent:** Friday, May 07, 2021 10:19 AM  
**To:** Statts, Meghan L [REDACTED]; Swartz, Bruce L [REDACTED]; Kawasugi, Jenna M [REDACTED]; Borabora, Tanya L. [REDACTED]  
**Subject:** FW: Screen Shot 2021-05-07 at 8.35.25 AM.png

fyi

Edward R. Underwood, Administrator  
Department of Land and Natural Resources  
Division of Boating and Ocean Recreation  
4 Sand Island Access Road #4  
Honolulu, Hawaii 96819  
[REDACTED]

**From:** Wayne Fernandez [REDACTED]  
**Sent:** Friday, May 7, 2021 9:39 AM  
**To:** Underwood, Ed R [REDACTED]; Asing, John [REDACTED]; Esther Kiaaina [REDACTED]  
**Subject:** [EXTERNAL] FW: Screen Shot 2021-05-07 at 8.35.25 AM.png

Hi Ed and Lt. John Asing,

This is the problem with a 40 foot pontoon boat parked in my neighborhood. I know DNLR has impounded the boat recently and Lt. John Asing from HPD attempted to rectify the situation. Lt. Asing was trying to ascertain if the vehicle is a commercial vehicle so it can be cited in the neighborhood. Tom Bellit's wife Judy Di (Judy Dickert) responds to requests on Kailua Community Share-Buy-Sell-Trade to charter boat.

The boat does commercial activity on Kaneohe Bay, and Bellit who is retired Navy cannot store boat on Marine Base, from what I gather due to commercial activity. Bellit also has history with DNLR.


Wayne Fernandez  
[REDACTED]

Sent from [Mail](#) for Windows 10






**From:** [Wayne Fernandez](#)  
**Sent:** Friday, May 7, 2021 8:42 AM  
**To:** [Ed R Underwood](#)  
**Subject:** Screen Shot 2021-05-07 at 8.35.25 AM.png


Howzit Ed, screenshot of Pontoon Boat, Tom Bellit, commercial activity thanks!

Wayne Fernandez



**KAILUA COMMUNITY SHARE-BUY-SELL-TRADE**

Write a comment





**Tiffany Isaacs-Hampton**  
14h

Looking to private charter day trip to sandbar at sandbar for 5-6 hrs. No big companies someone open to us bring food, snacks and drinks






8 Comments

 Like

 Comment






All Comments

**Judy Di Pmd you**  
Like Reply

**Ula De La Cruz**  
 Denise Corpuz  
Like Reply

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Joined







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**#coffeetable**  
Pinned by admin · 6 posts  
**#truck**  
Pinned by admin · 5 posts  

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2



## Tiffany's Post



### KAILUA COMMUNITY SHARE-BUY-SELL-TRADE

Group post by Tiffany Isaacs-Hampton · May 6 ·

Looking to private charter day trip to sandbar at sandbar for 5-6 hrs. No big companies someone open to us bring food, snacks and drinks.



Like



Comment



Send



2

#### All Comments ▾



Judy Di  
Pmd you

3w Like Reply



Ula De La Cruz  
**Denise Corpuz**

3w Like Reply



Chanel White  
Invite? lol jk 🍌

3w Like Reply

View 2 previous replies...



Tiffany Isaacs-Hampton **Author**  
**Chanel White** omg your trouble LOL

3w Like Reply



Chanel White  
**Tiffany Isaacs-Hampton** 🐱🐱🐱

3w Like Reply



Write a comment...

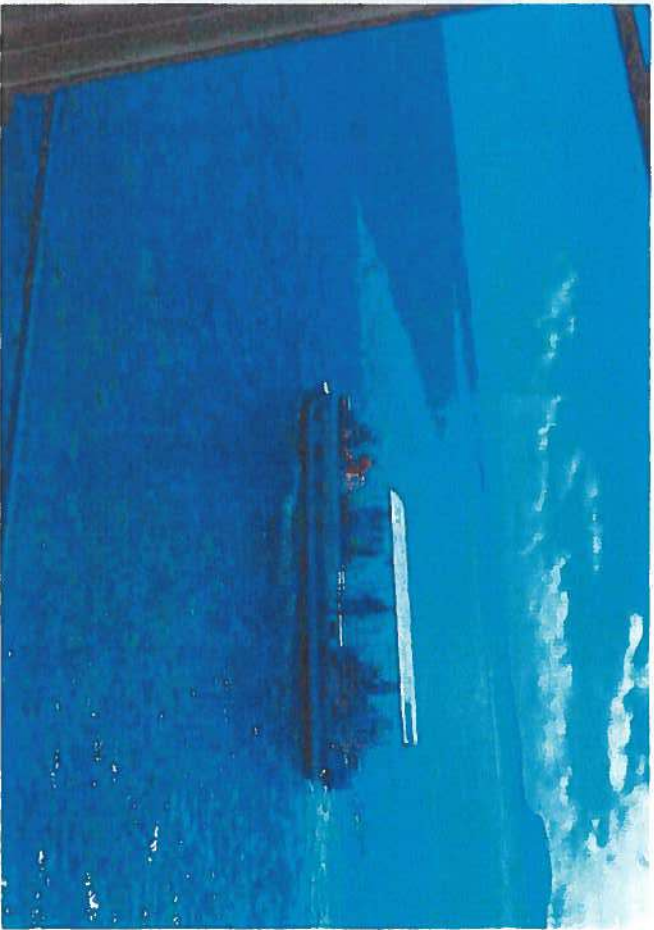
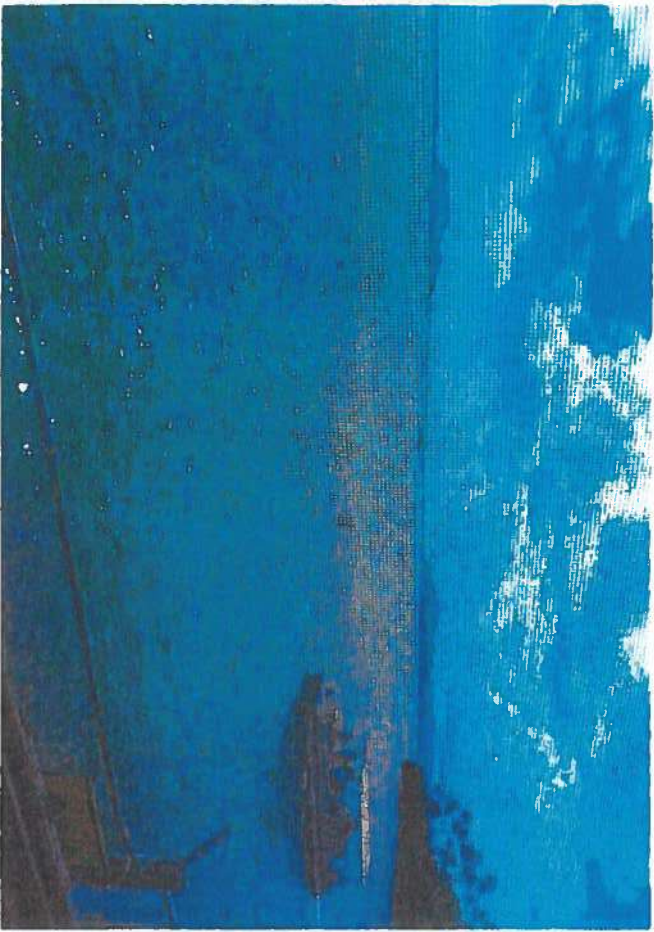
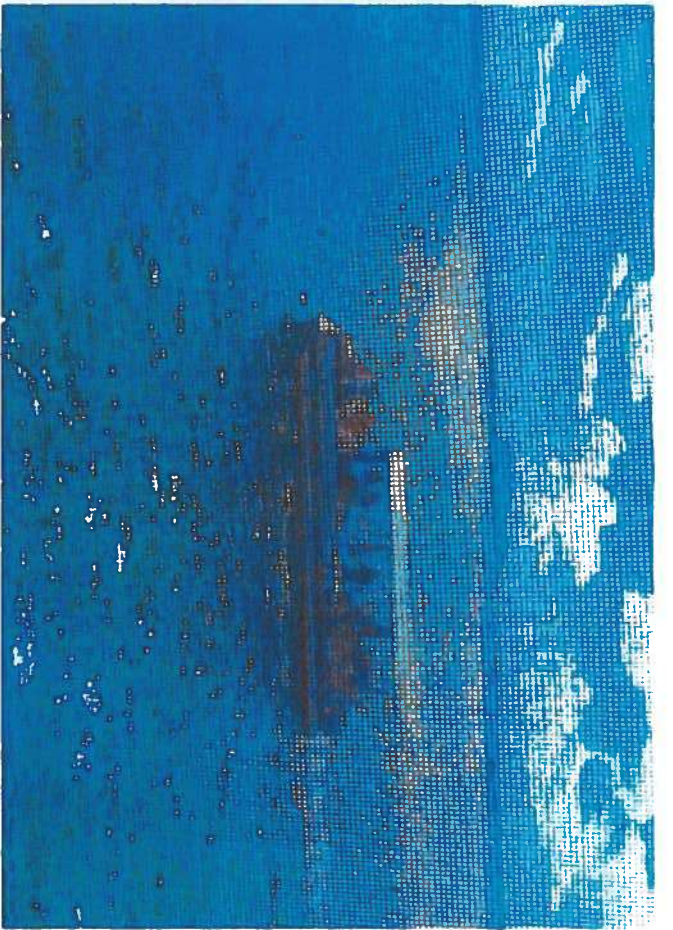
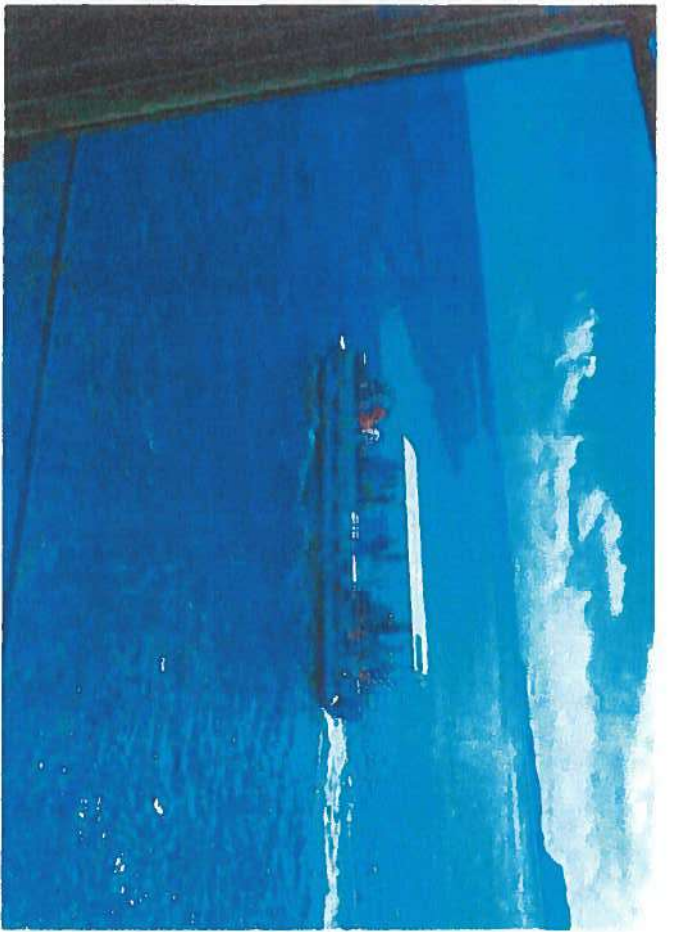


5/11/2021 - P/O 9 Pac @ loading dock 10:05 AM



REV 11/21/00 1435





**Borabora, Tanya L.**

---

**From:** Borabora, Tanya L.  
**Sent:** Friday, May 14, 2021 11:05 AM  
**To:** Underwood, Ed R; Statts, Meghan L; Swartz, Bruce L  
**Cc:** Kawasugi, Jenna M; Wormald, Patrick C  
**Subject:** RE: Tom Bellit

All of the captains doing potential illegal tours coach their people to say that's my uncle, friend, cousin and DO NOT TALK TO ANY brown uniform man.

t

**From:** Underwood, Ed R  
**Sent:** Friday, May 14, 2021 10:55 AM  
**To:** Statts, Meghan L [REDACTED]; Borabora, Tanya L [REDACTED] Swartz, Bruce L [REDACTED]  
**Cc:** Kawasugi, Jenna M [REDACTED]; Wormald, Patrick C [REDACTED]  
**Subject:** RE: Tom Bellit

Would be great if DOCARE can talk with the people and ask where they are from.

Edward R. Underwood, Administrator  
Department of Land and Natural Resources  
Division of Boating and Ocean Recreation  
4 Sand Island Access Road #4  
Honolulu, Hawaii 96819  
[REDACTED]

**From:** Statts, Meghan L [REDACTED]  
**Sent:** Friday, May 14, 2021 10:38 AM  
**To:** Borabora, Tanya L [REDACTED] Swartz, Bruce L [REDACTED]  
**Cc:** Kawasugi, Jenna M [REDACTED]; Wormald, Patrick C [REDACTED]  
Underwood, Ed R [REDACTED]  
**Subject:** RE: Tom Bellit

You should be contacting DOCARE as well. They can respond.

Mahalo,

Meghan Statts, Assistant Administrator  
Division of Boating and Ocean Recreation  
4 Sand Island Access Road  
Honolulu, Hawaii 96819  
[REDACTED]

**From:** Borabora, Tanya L. [REDACTED]  
**Sent:** Friday, May 14, 2021 10:25 AM  
**To:** Swartz, Bruce L [REDACTED]
























MEMORANDUM

DATE: 5/27/21  
TO: To the file  
FROM: BOR-OK, Tanya Borabora   
SUBJECT: Tom Bellit (HA 4349 K)

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Mr. Bellit enter the harbor at approximately 11:00 am picking up people with his vessel "Carry On" (HA 4349 K) from Heeia Kea loading dock area again.

See Photos Attached.

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2010 12 27 AM 11:22

MEMORANDUM

DATE: 05/28/2021  
TO: To the file  
FROM: BOR-OHK, P. Wormald   
SUBJECT: Bellit, Thomas Loading Packs

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On 05/28/2021 at approximately 1015 Mr. Bellit came in to the harbor with his vessel HA 4349 K. He pulled up to the Loading Dock and quickly loaded 6 people and left the harbor heading out to the Sand Bar.





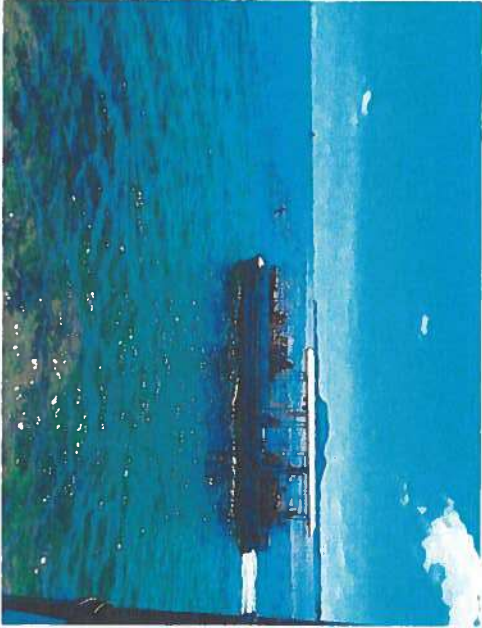




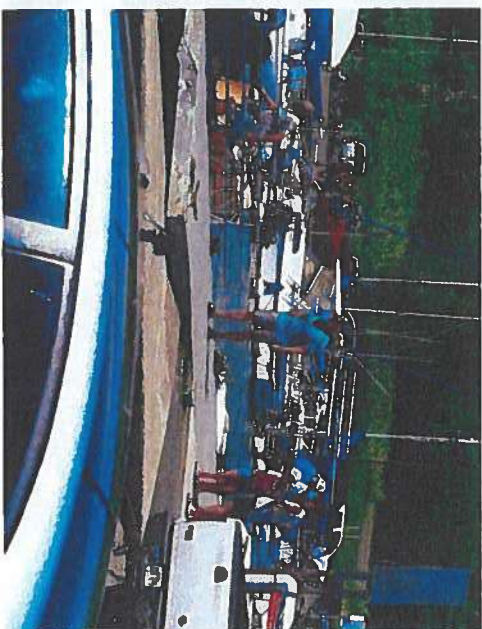
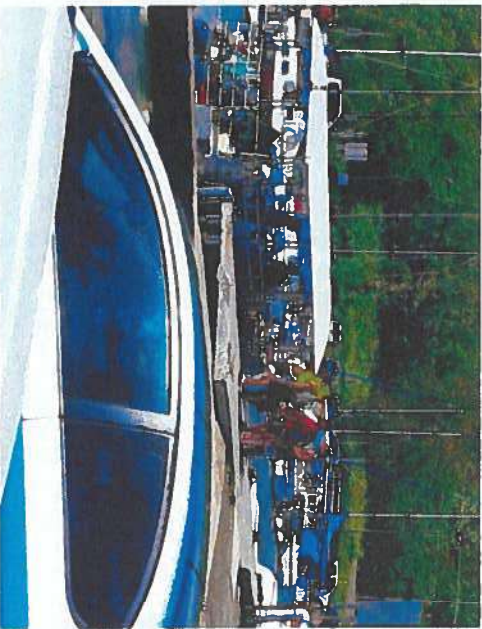
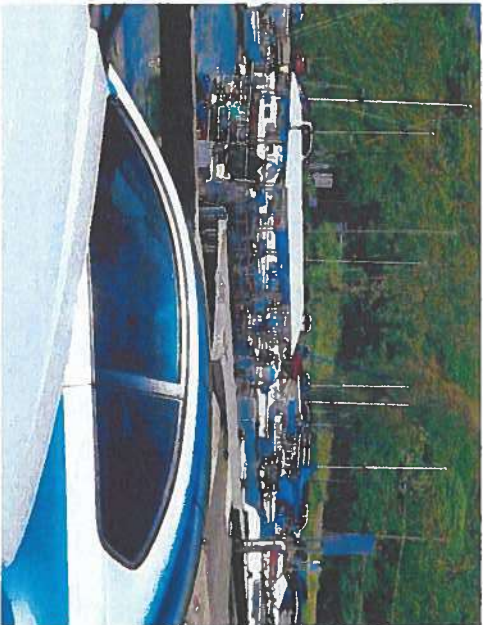
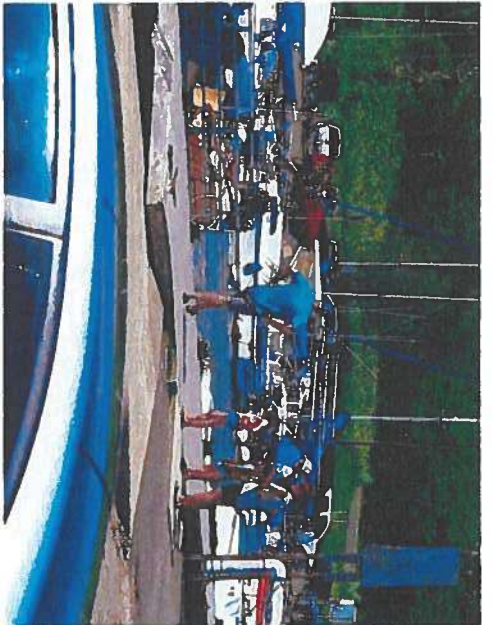
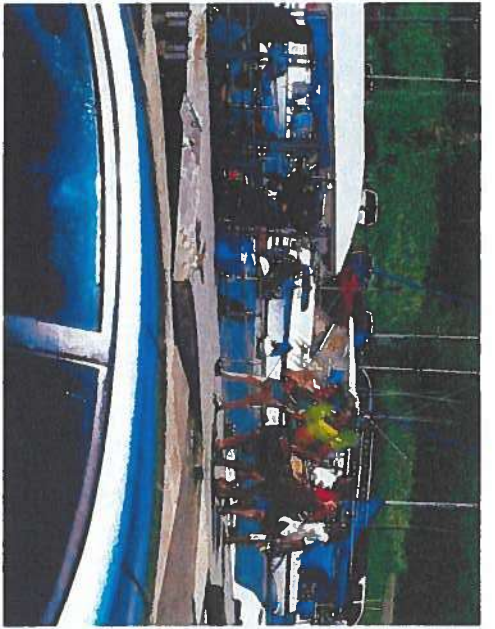
















MEMORANDUM

DATE: 06/23/2021

TO: To the file

KEEH1 18:32 JUN 24 '21

FROM: BOR-OHK, P. Wormald 

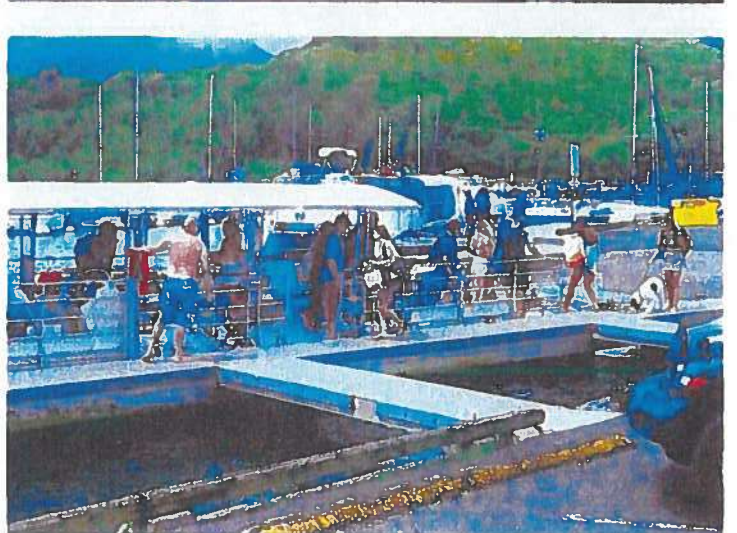
SUBJECT: Bellit, Thomas - Loading In Launch Ramp

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On 06/23/2021 at approximately 1030 I observed Mr. Thomas Bellit load 13 people onto his vessel. "Carry On" HA 4349 K in the Launch Ramp finger closest to the Deli. Please see attached photos.













MEMORANDUM

DATE: 06/29/2021

TO: To the file

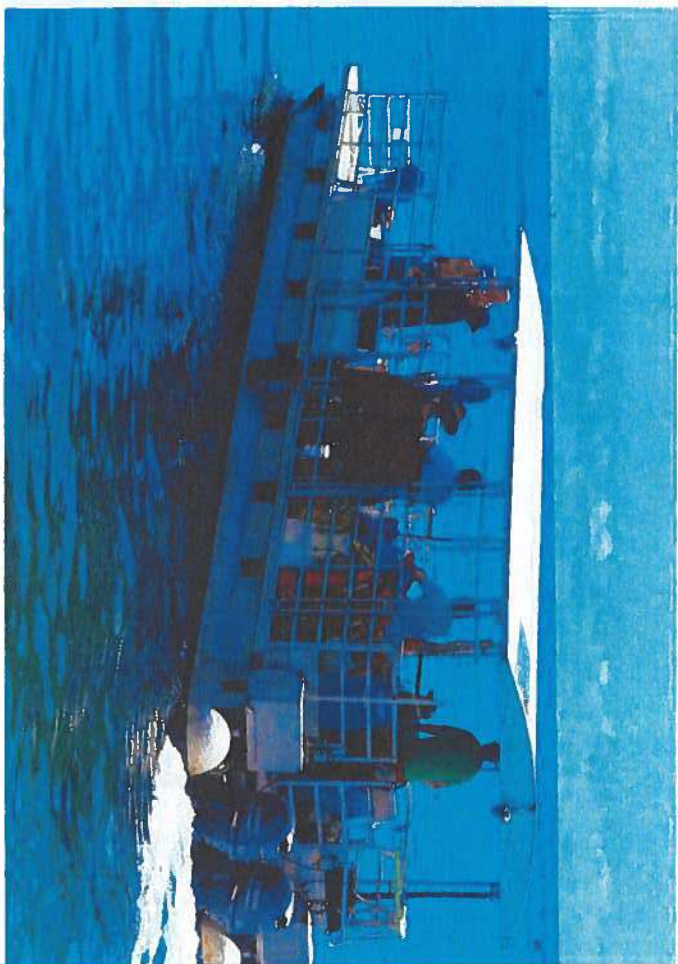
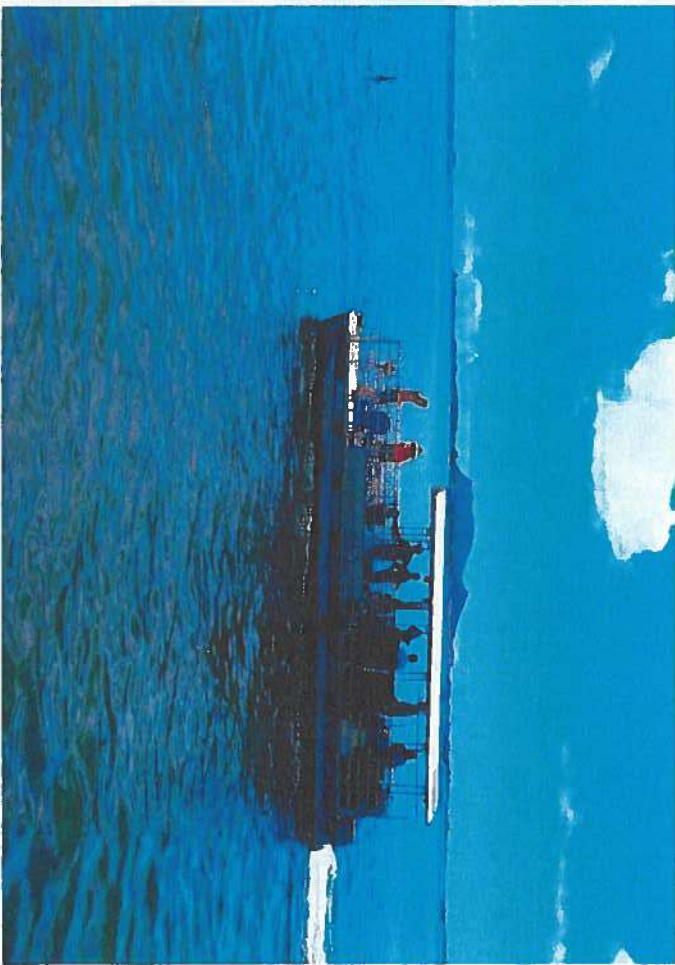
FROM: BOR-OHK, P. Wormald

SUBJECT: Bellit, Thomas - Loading @ Launch Ramp Finger

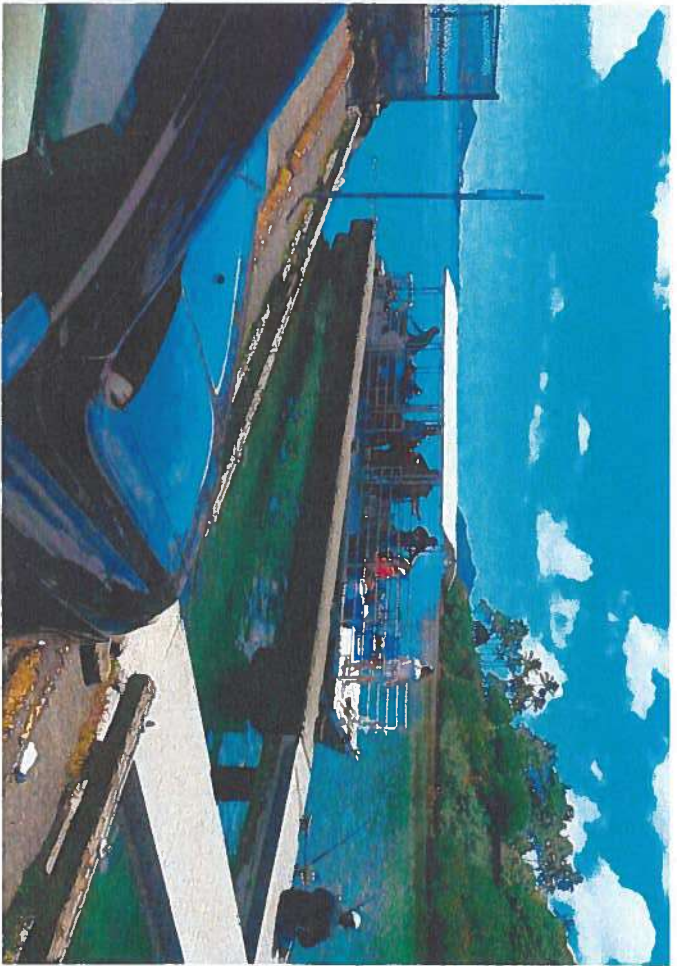
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On 06/29/2021 at approximately 1050am I observed Mr. Thomas Bellit load 10 people onto his vessel. "Carry On" HA 4349 K at the Launch Ramp Finger nearest to Deli of He'eia Kea SBH. Mr. Bellit was instructing his passenger's in a very stern voice to 'hurry up we have to go now' also saying "this is not good I have to get out of here now". Some people were running late so Mr. Bellit told his group if their friends didn't get on the boat that moment he was going to leave them and told them "I told you guys to have all your people and be ready to go". Mr. Bellit ended up leaving the people that were running late behind. Please see attached photos.

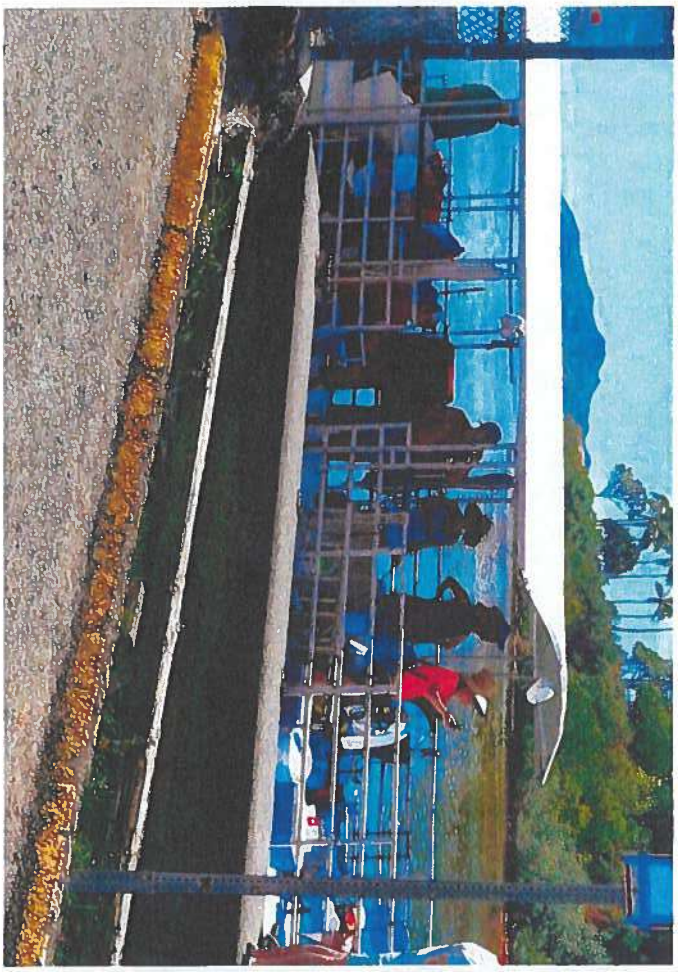
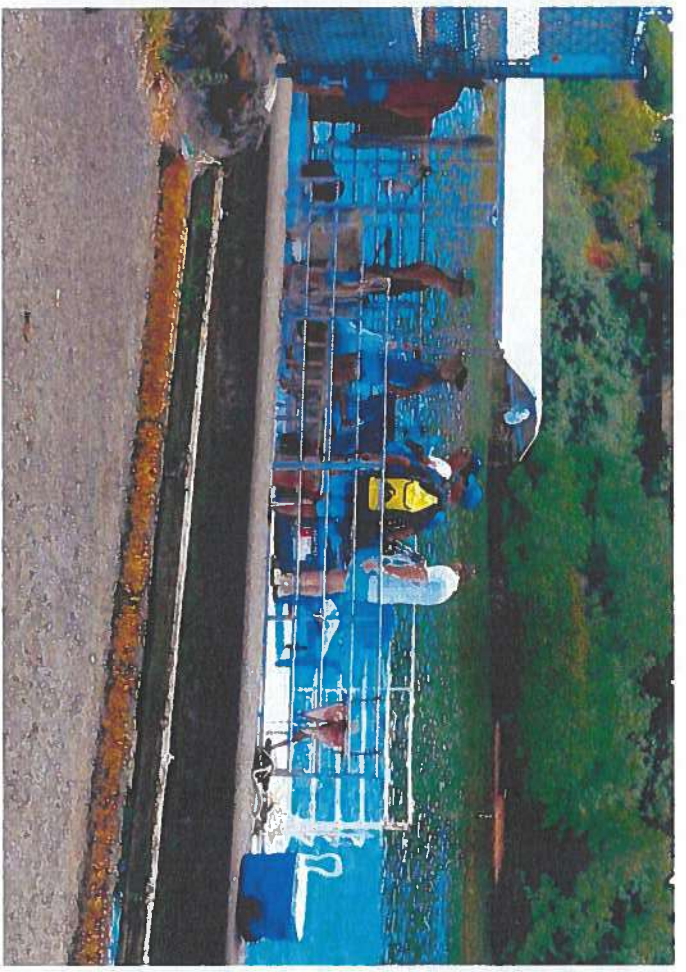








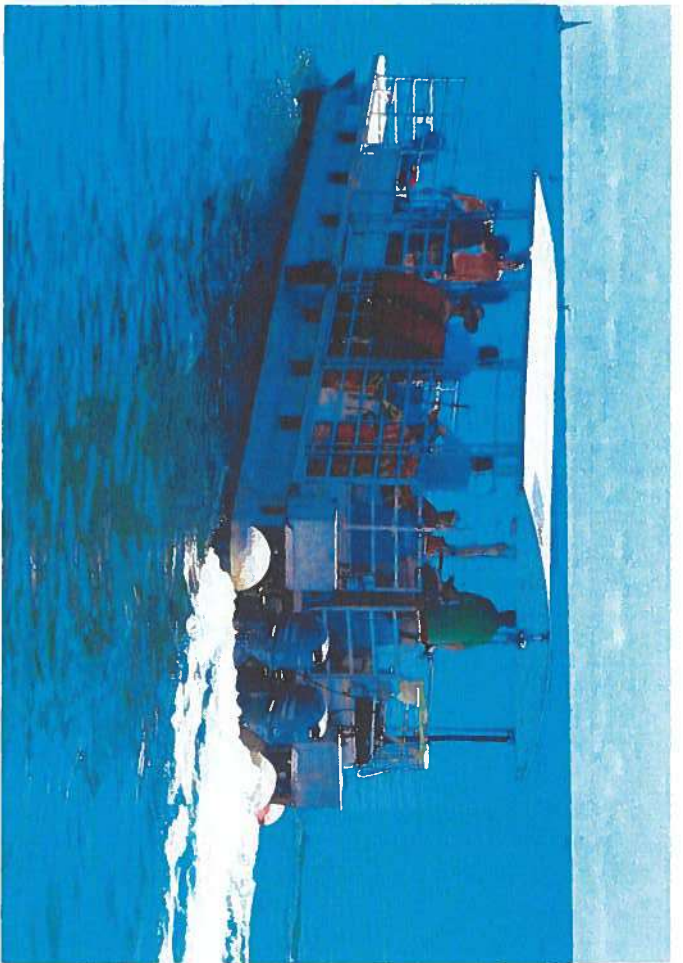












MEMORANDUM

DATE: 07/02/2021

TO: To the file

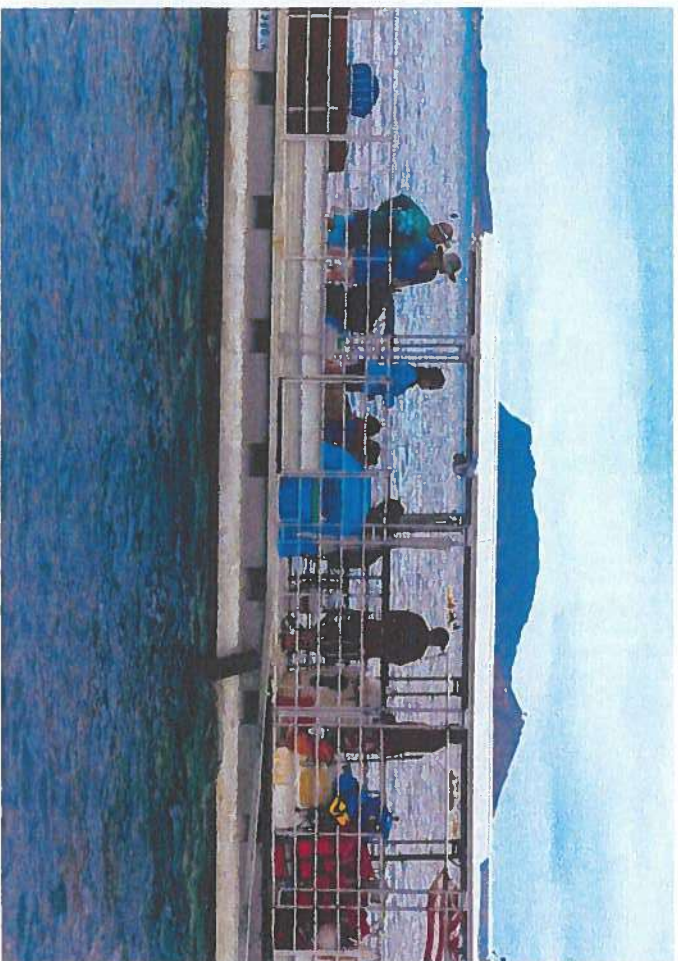
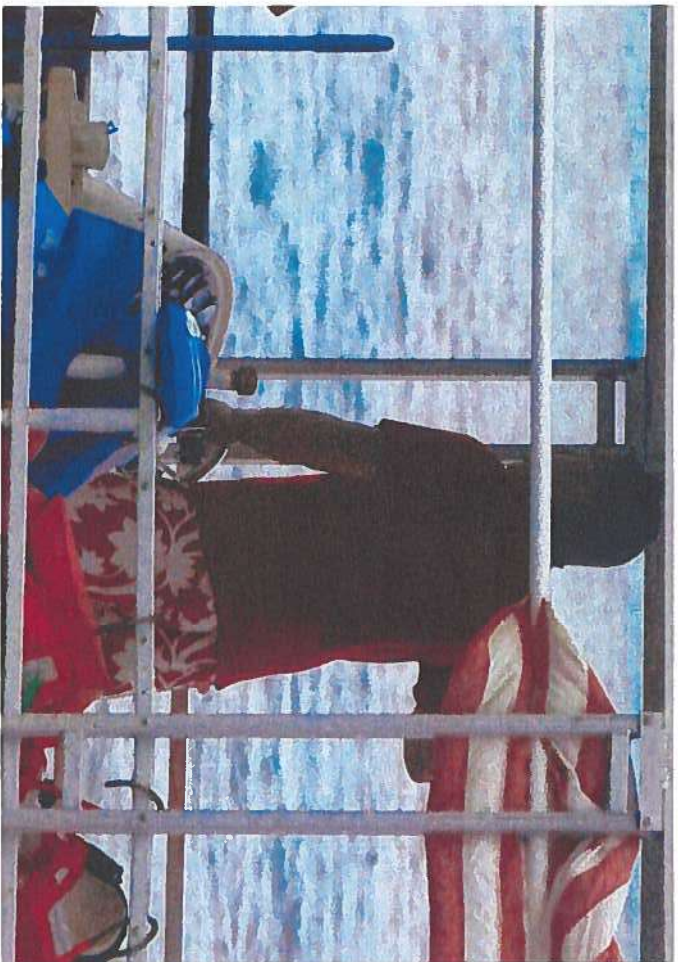
FROM: BOR-OHK, P. Wormald

SUBJECT: Bellit, Thomas - Loading @ Loading Dock

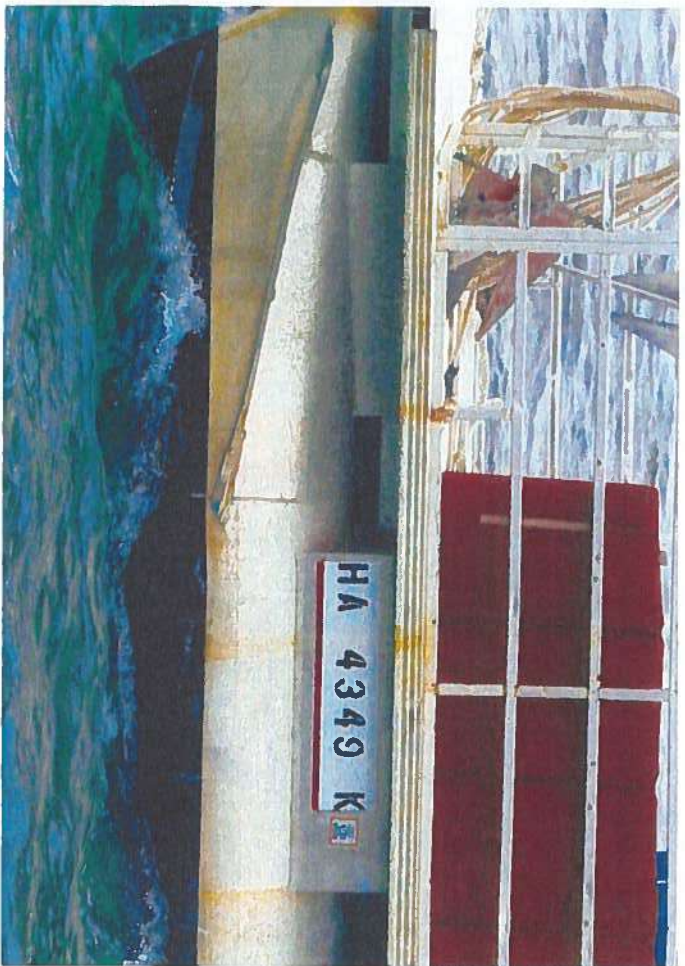
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On 07/02/2021 at approximately 1040am I observed Mr. Thomas Bellit load 08 people onto his vessel. "Carry On" HA 4349 K at the Loading Dock of He'eia Kea SBH. Mr. Bellit was instructing his passenger's to "hurry up we are leaving the second everyone is on board". Please see attached photos.



















**MEMORANDUM**

DATE: 07/09/2021

TO: To the file

FROM: BOR-OHK, P. Wormald

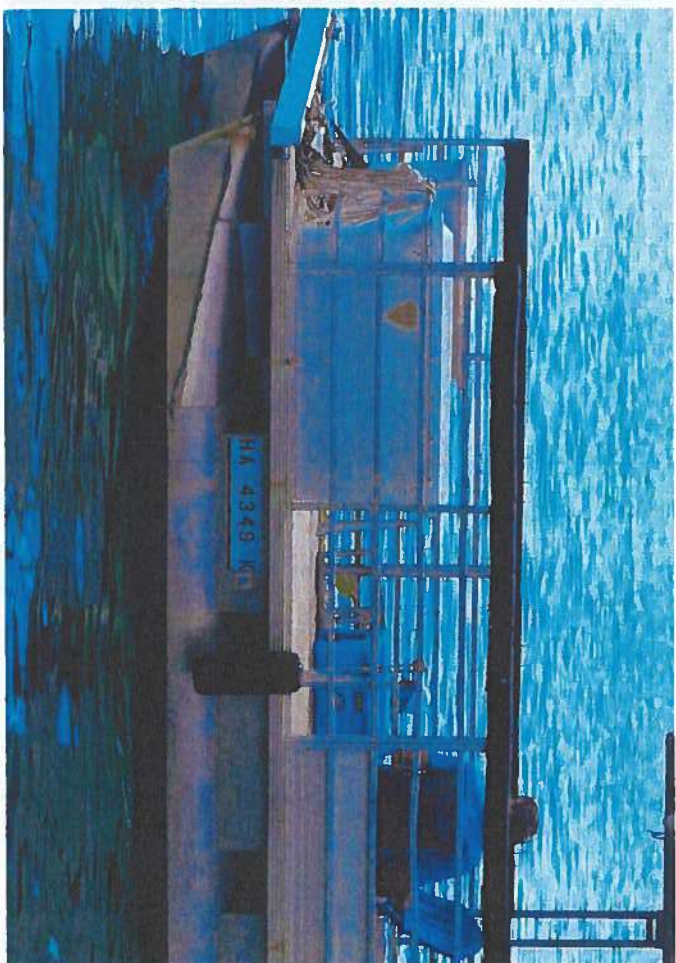
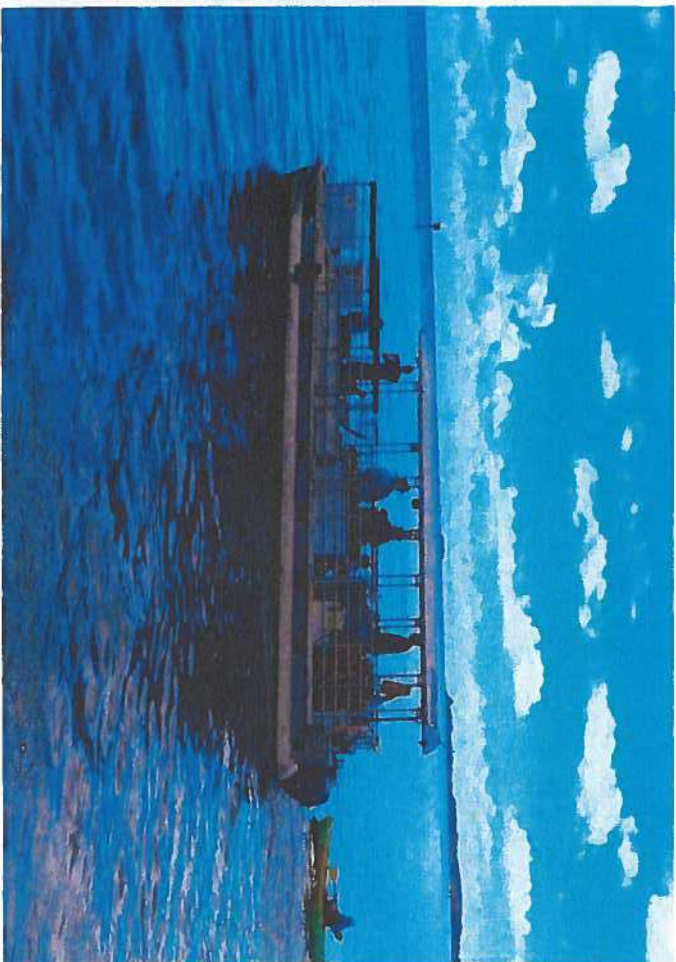
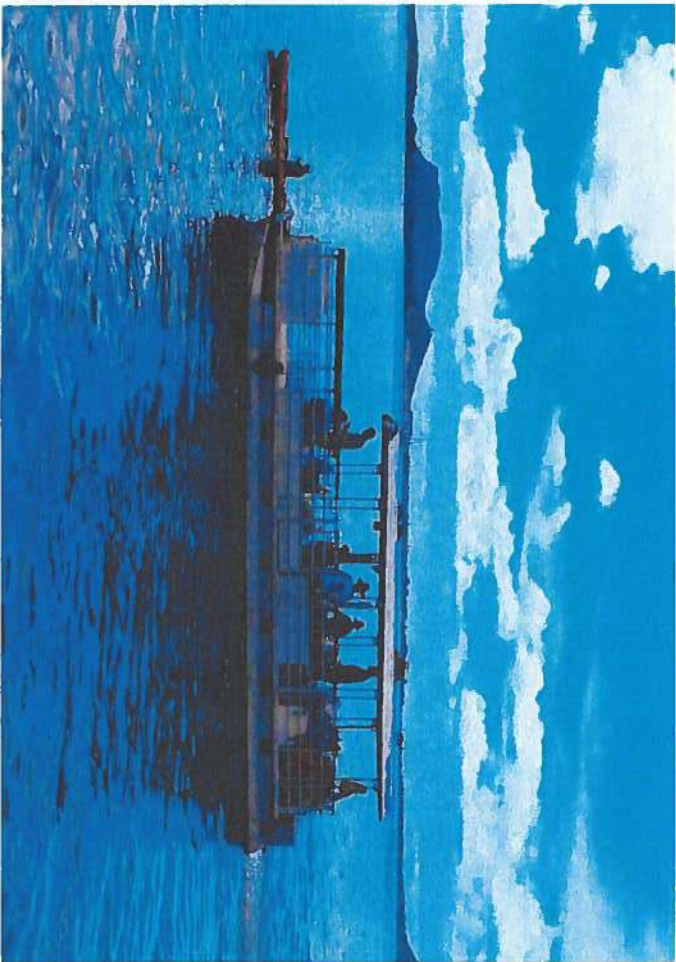
SUBJECT: Bellit, Thomas - Loading @ Ramp Finger Nearest Deli

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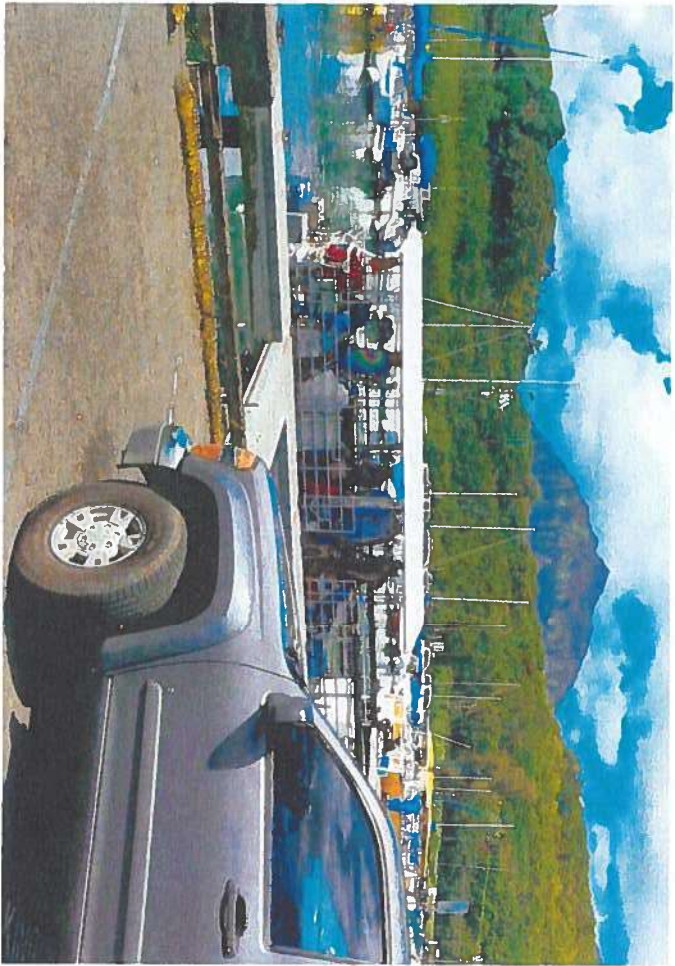
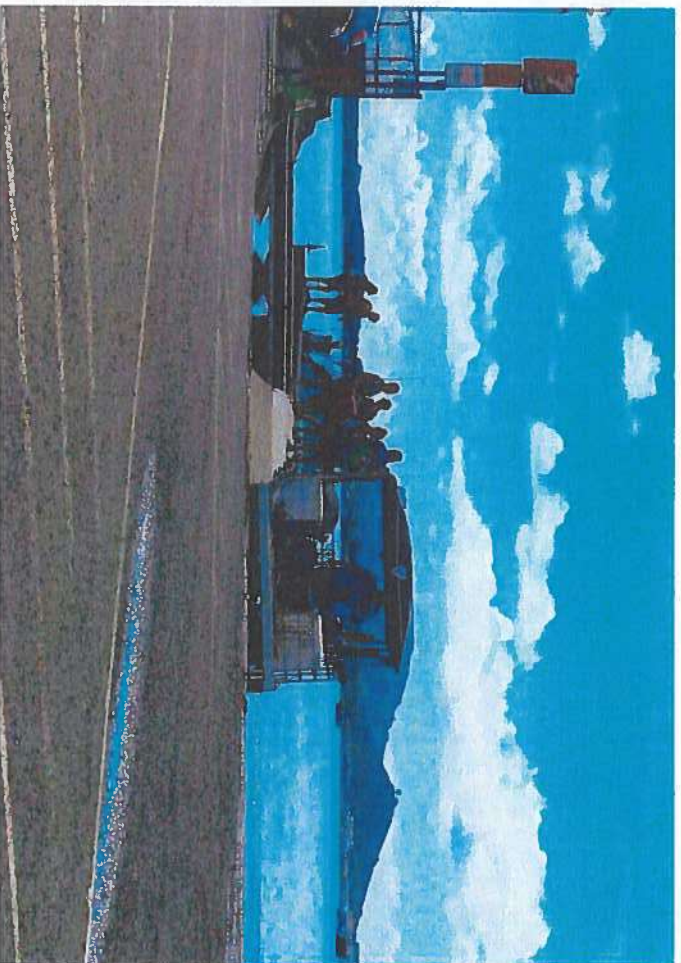
On 07/09/2021 at approximately 0945am I observed Mr. Thomas Bellit load 05 people onto his vessel. "Carry On" HA 4349 K at the Launch Ramp Finger nearest to Deli of He'eia Kea SBH. Please see attached photos.



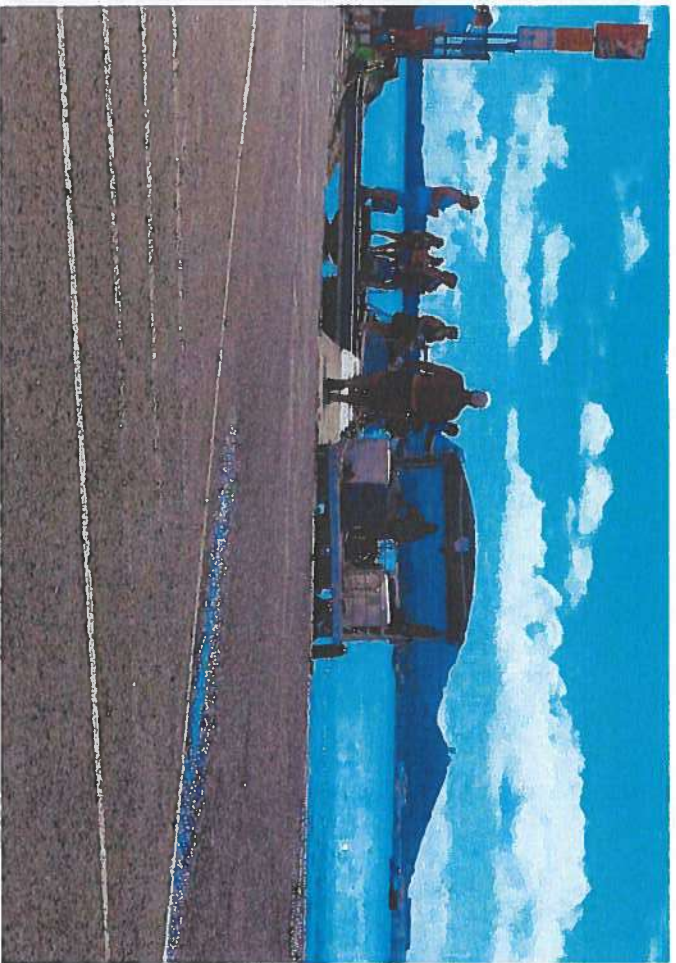
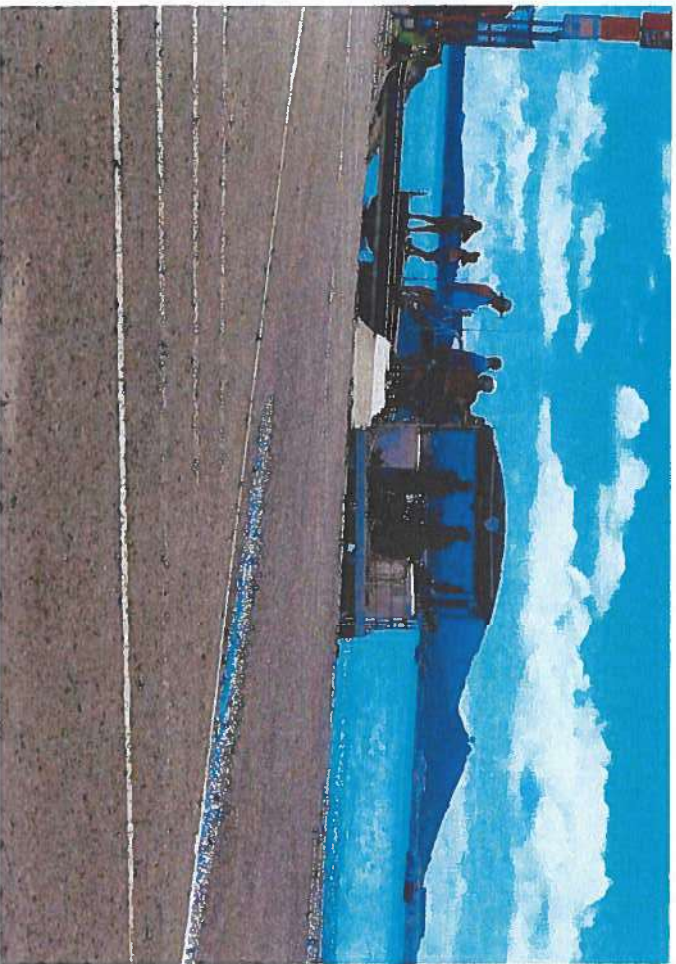
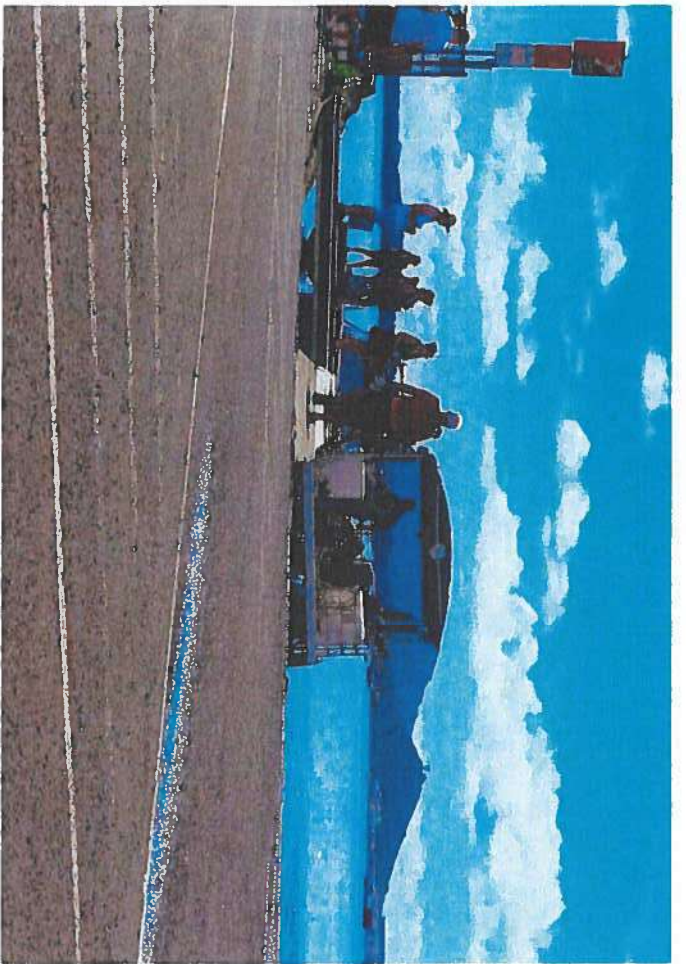




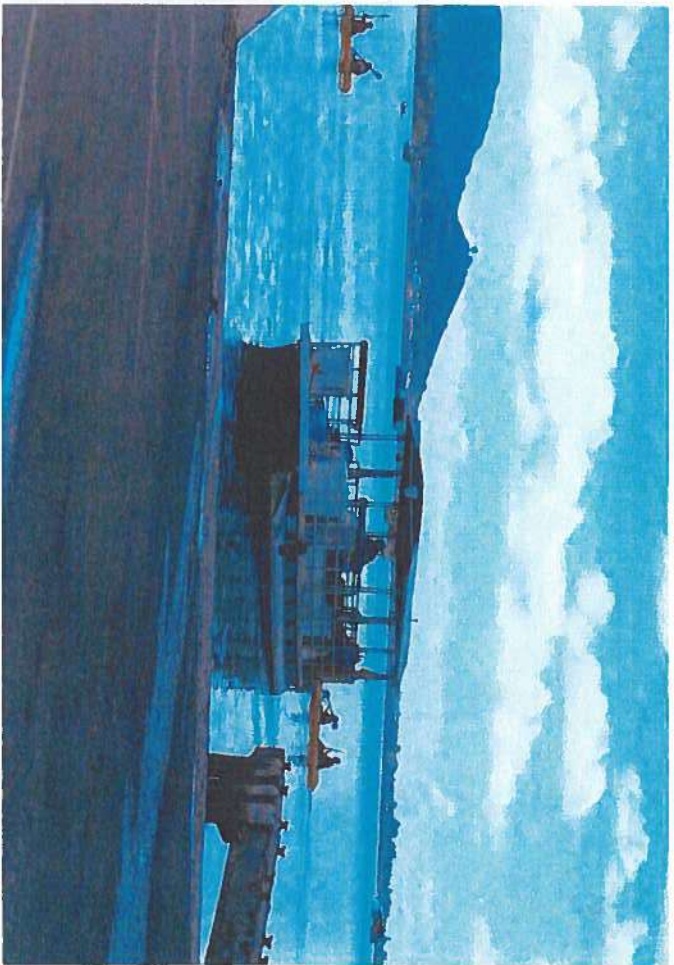
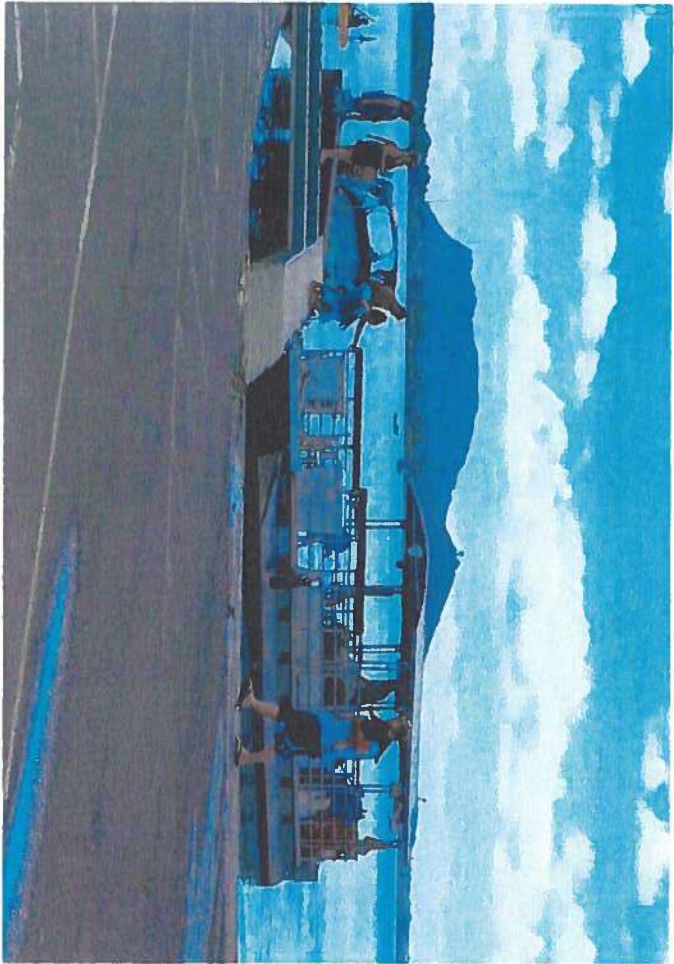
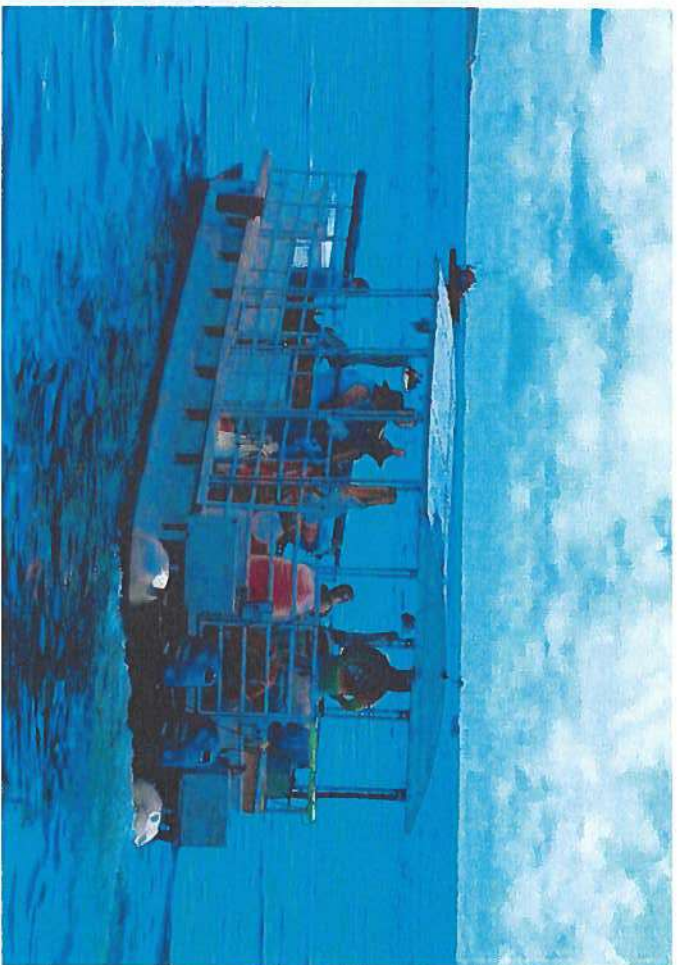
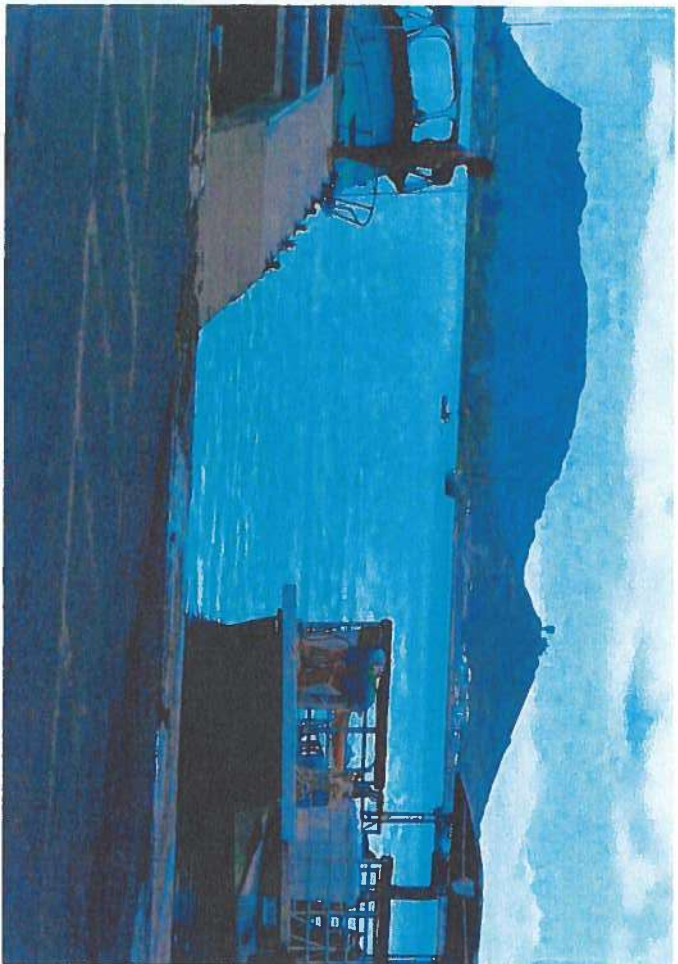














**MEMORANDUM**

DATE: 07/28/2021

TO: To the file

FROM: BOR-OHK, P. Wormald

SUBJECT: Bellit, Thomas - Loading @ Loading Dock

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On 07/28/2021 at approximately 10:00 am I observed Mr. Thomas Bellit load 06 people onto his vessel. "Carry On" HA 4349 K at the Loading Dock of He'eia Kea SBH. Please see attached photos.





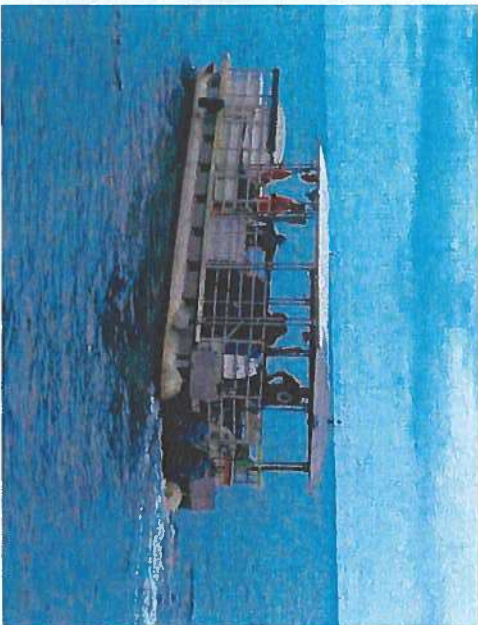
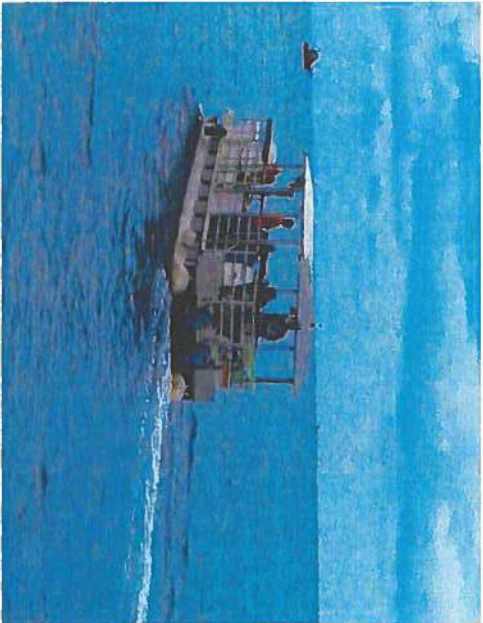
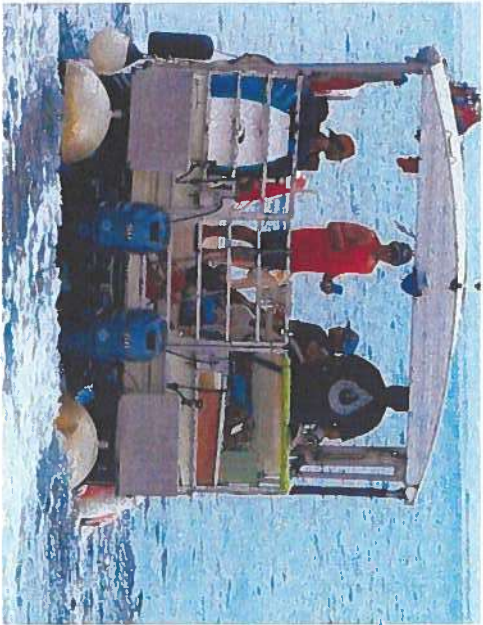




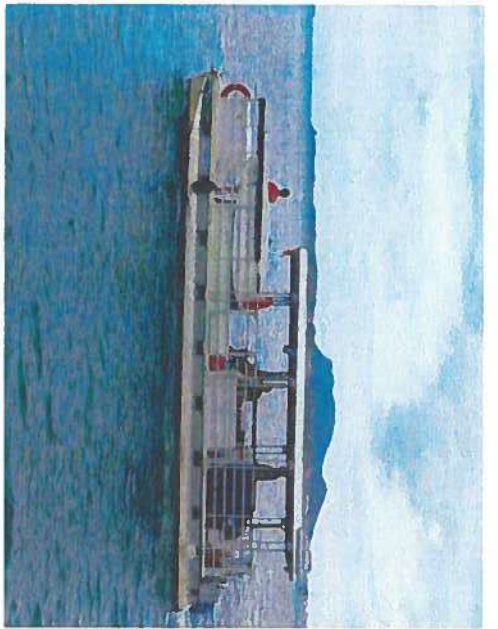




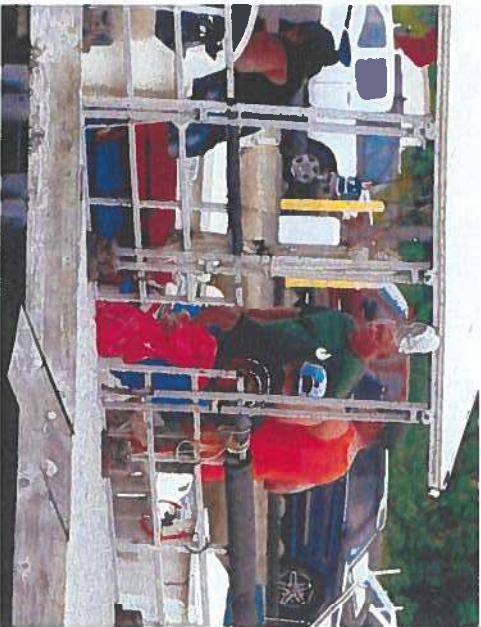














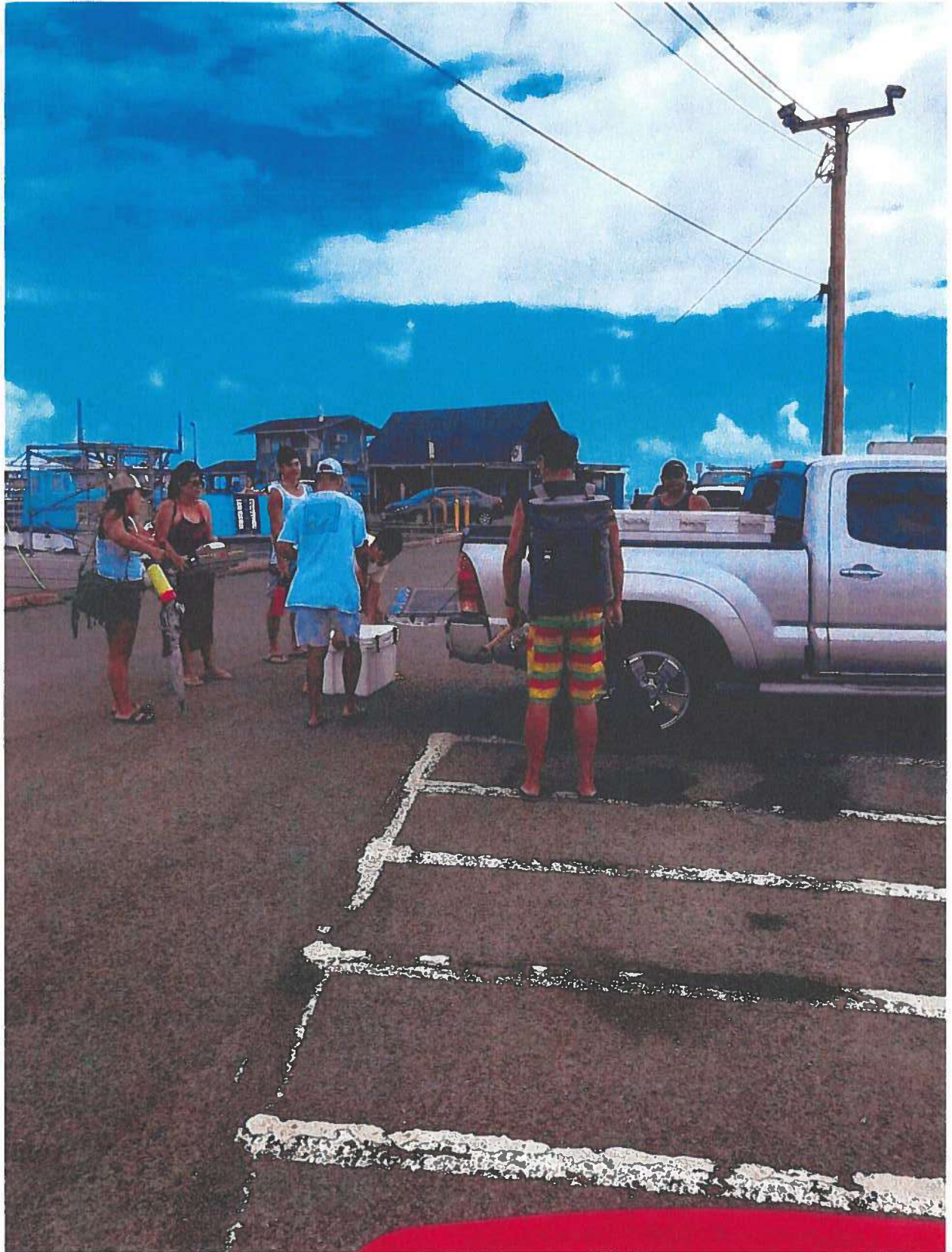
MEMORANDUM

DATE: 7/30/21  
TO: To the file  
FROM: BOR-OK, Tanya Borabora  
SUBJECT: Tom Bellit HA 4349 K "Carry On"

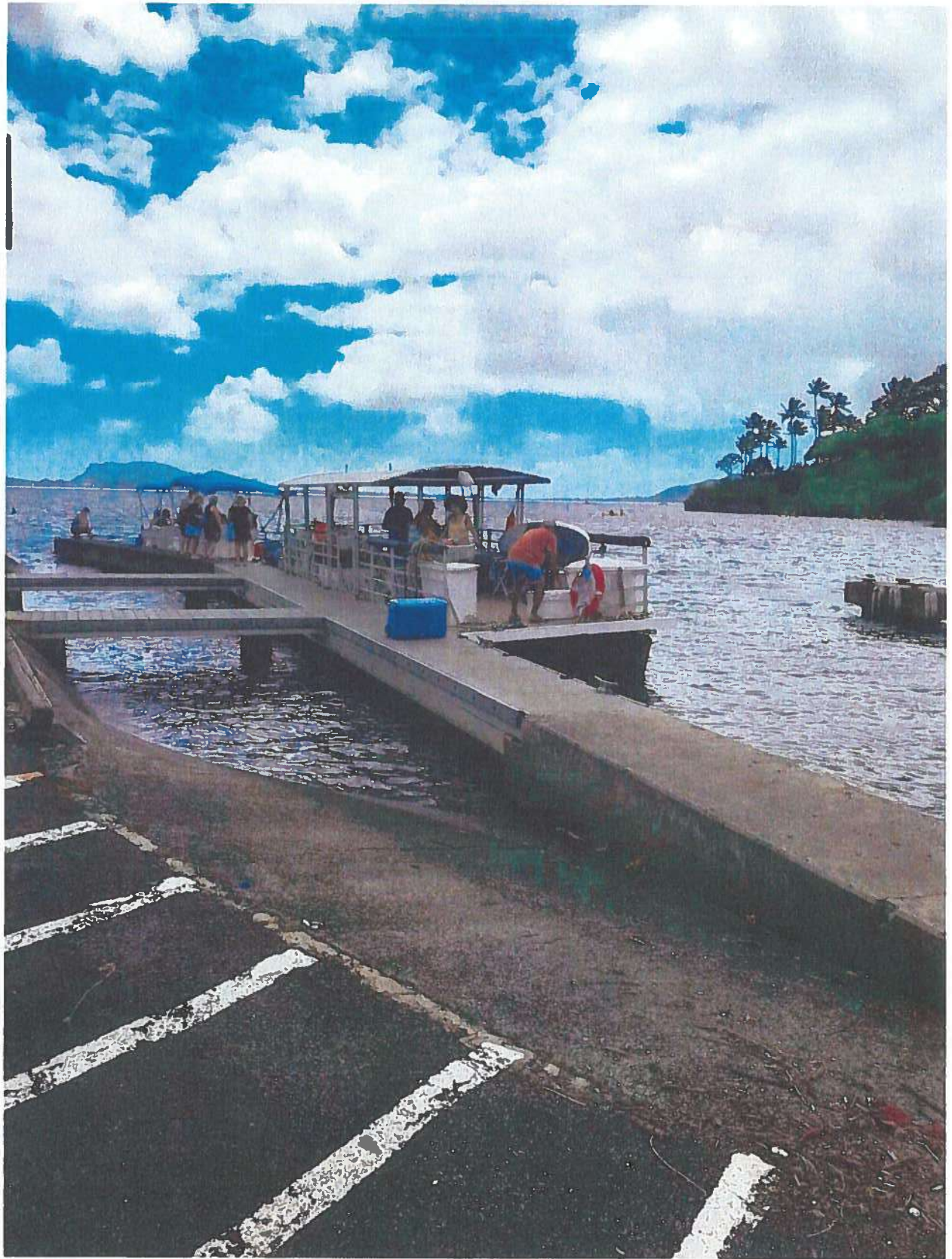
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On 7/30/21 at approximately 10:00 am I observed Mr. Thomas Bellit loading an pack of 6-8 people on his pontoon at loading dock of He'eia Kea Sbh.

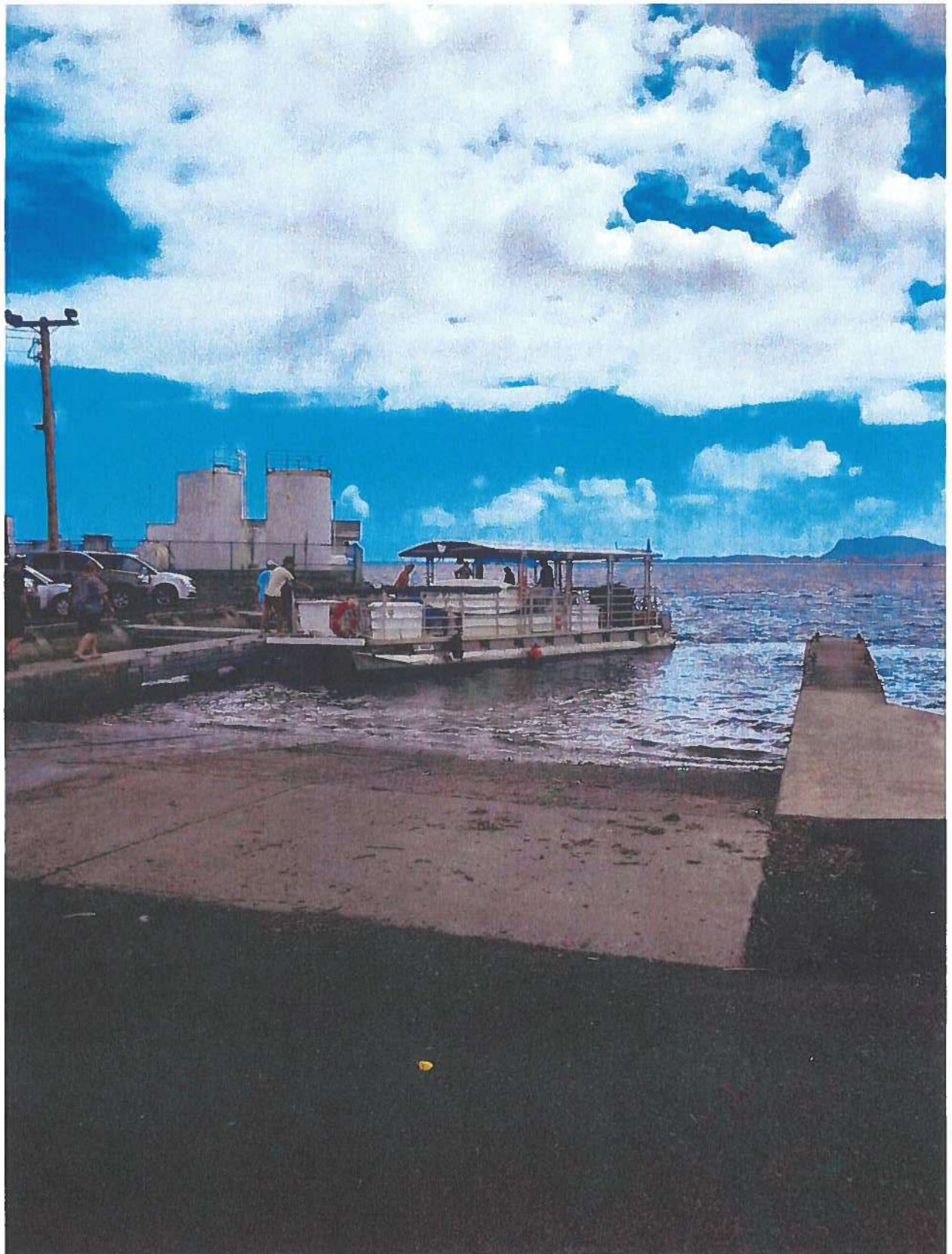




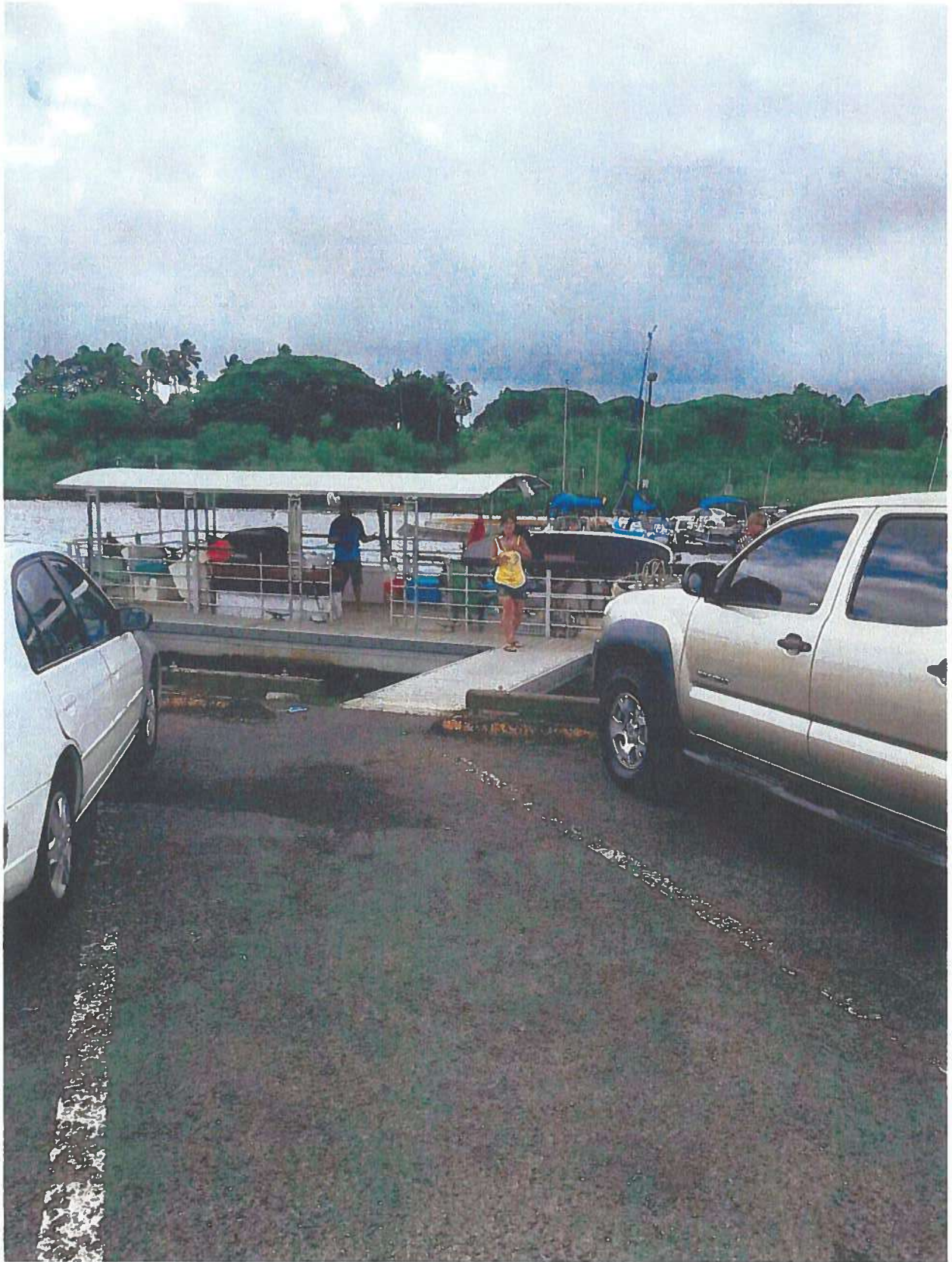














MEMORANDUM

DATE: 08/17/2021

TO: To the file

FROM: BOR-OHK, P. Wormald

SUBJECT: Bellit, Thomas - Loading @ Loading Dock

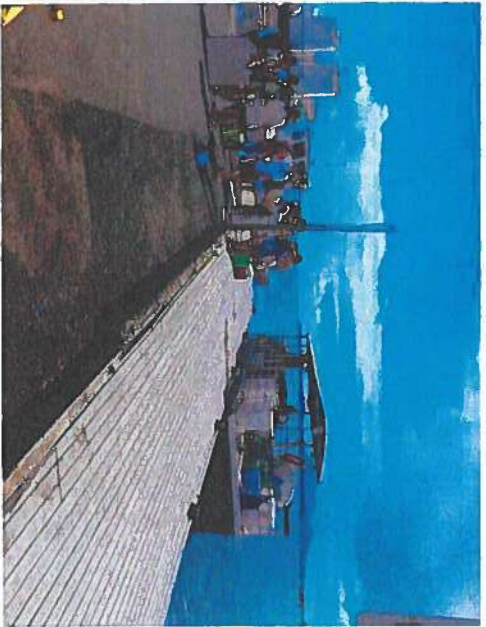
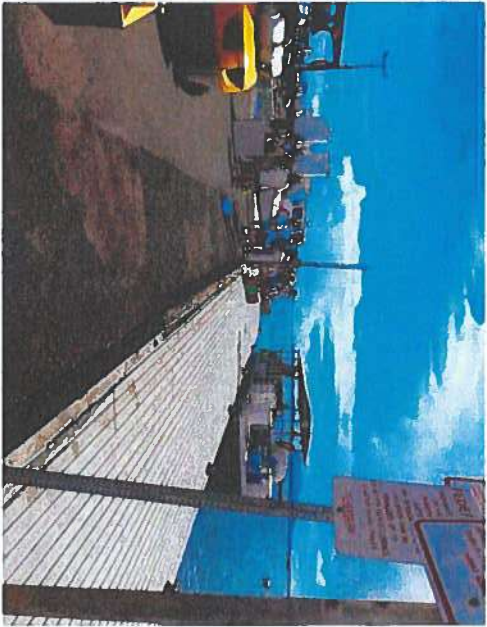
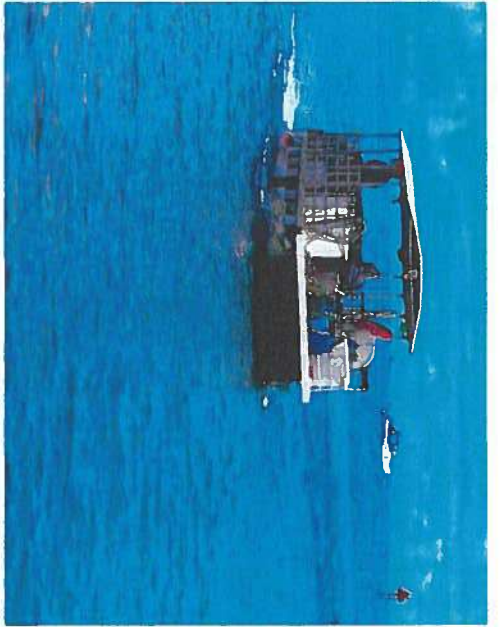
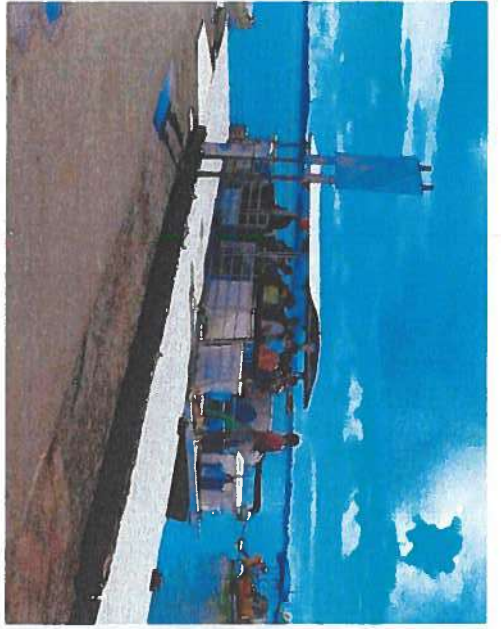
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On 08/17/2021 at approximately 10:15 am I observed Mr. Thomas Bellit load 15 people onto his vessel. "Carry On" HA 4349 K at the Loading Dock of He'eia Kea SBH. Mr. Bellit was waiting rite outside the channel marker till his people were all together and ready at the Loading Dock. I approached a couple of the people and started to talk to them. I asked how much he charges and, one of the girls started to tell me till they realized who I was. While I was talking to them one of the people asked if they have everyone and said "okay I can text him now" once the woman sent the text Mr. Bellit started to enter the harbor. While loading his passenger's, he was telling them to "hurry up we need to get out of here". Please see attached photos.

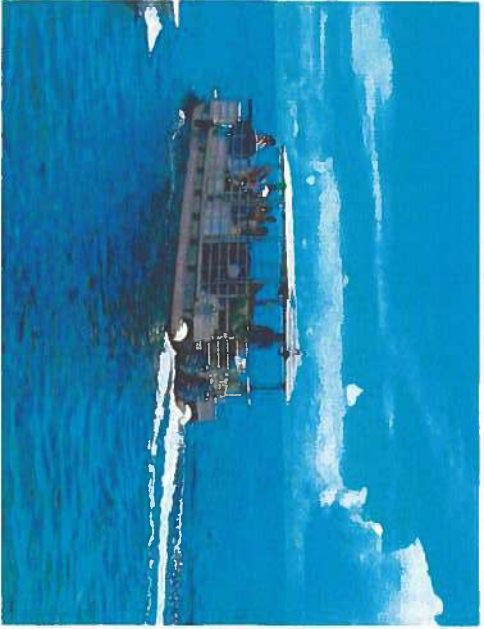
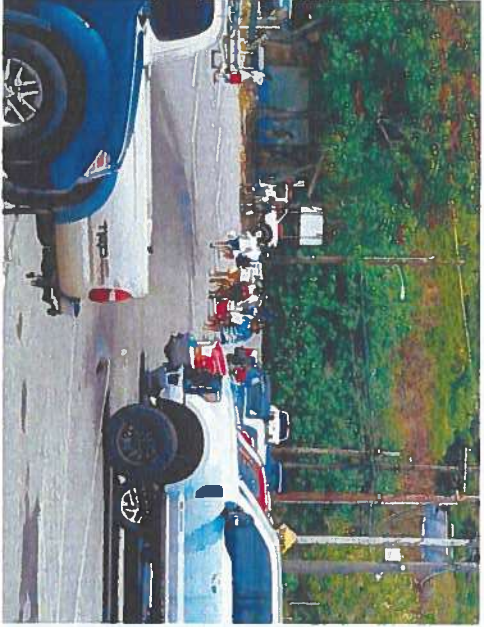
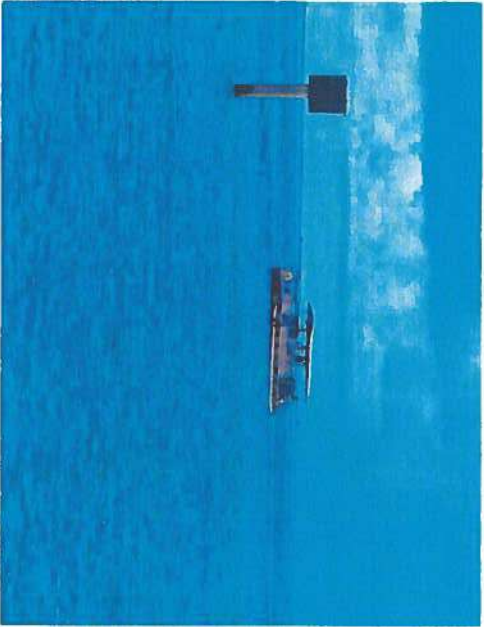
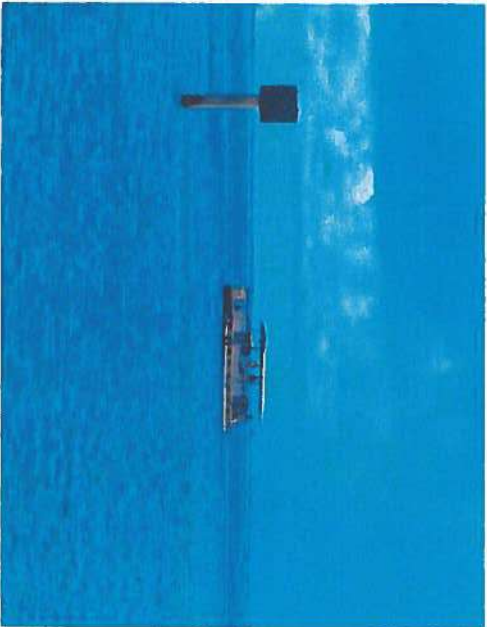
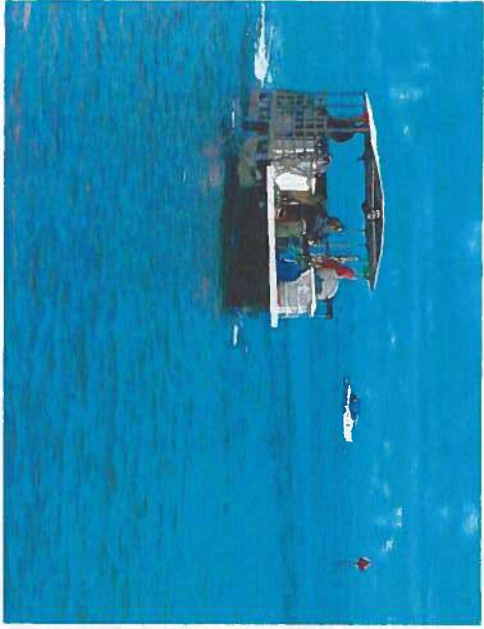














MEMORANDUM

DATE: 09/07/2021

TO: To the file

FROM: BOR-OHK, P. Wormald

SUBJECT: Bellit, Thomas - Loading @ Loading Dock

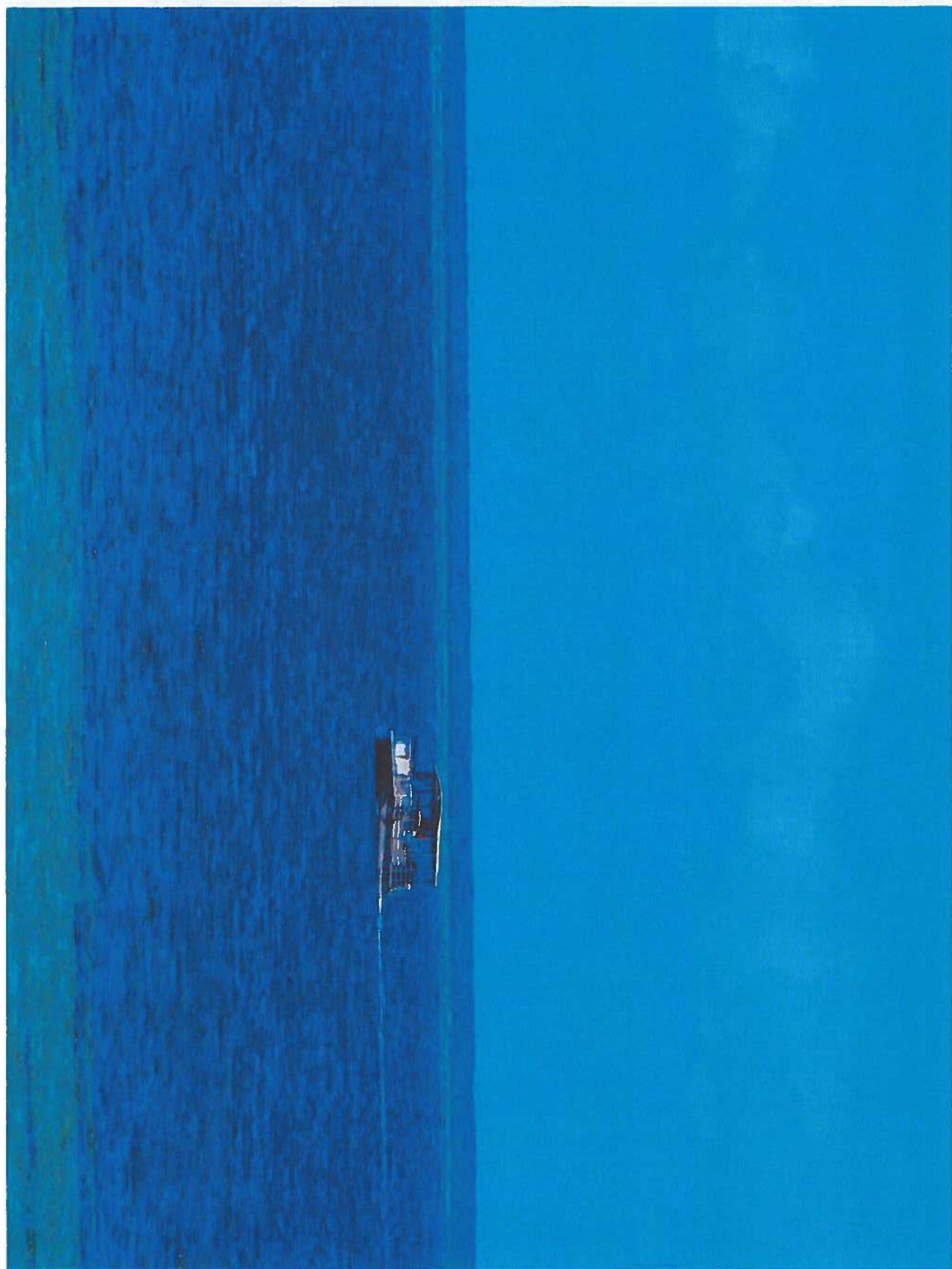
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On 09/07/2021 at approximately 01:10 pm I observed Mr. Thomas Bellit load 14 people 5 were small children onto his vessel. "Carry On" HA 4349 K at the Loading Dock of He'eia Kea SBH. Mr. Bellit was waiting rite outside the channel marker till his people were all together and ready at the Loading Dock. Once Mr. Bellit got all his people on board the vessel he began giving a safety briefing. Once done with his safety briefing he untied his own lines and departed for the Sandbar.

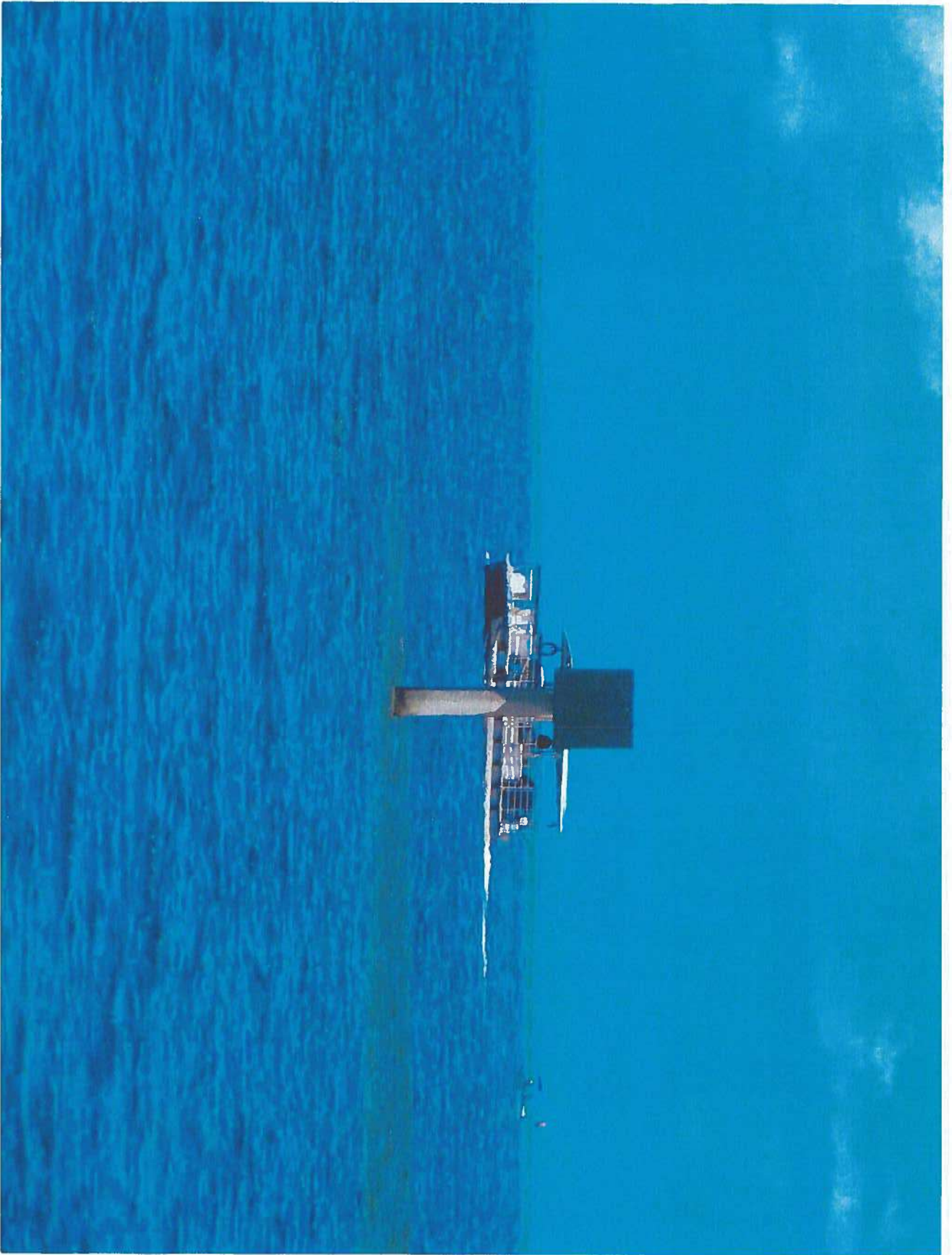








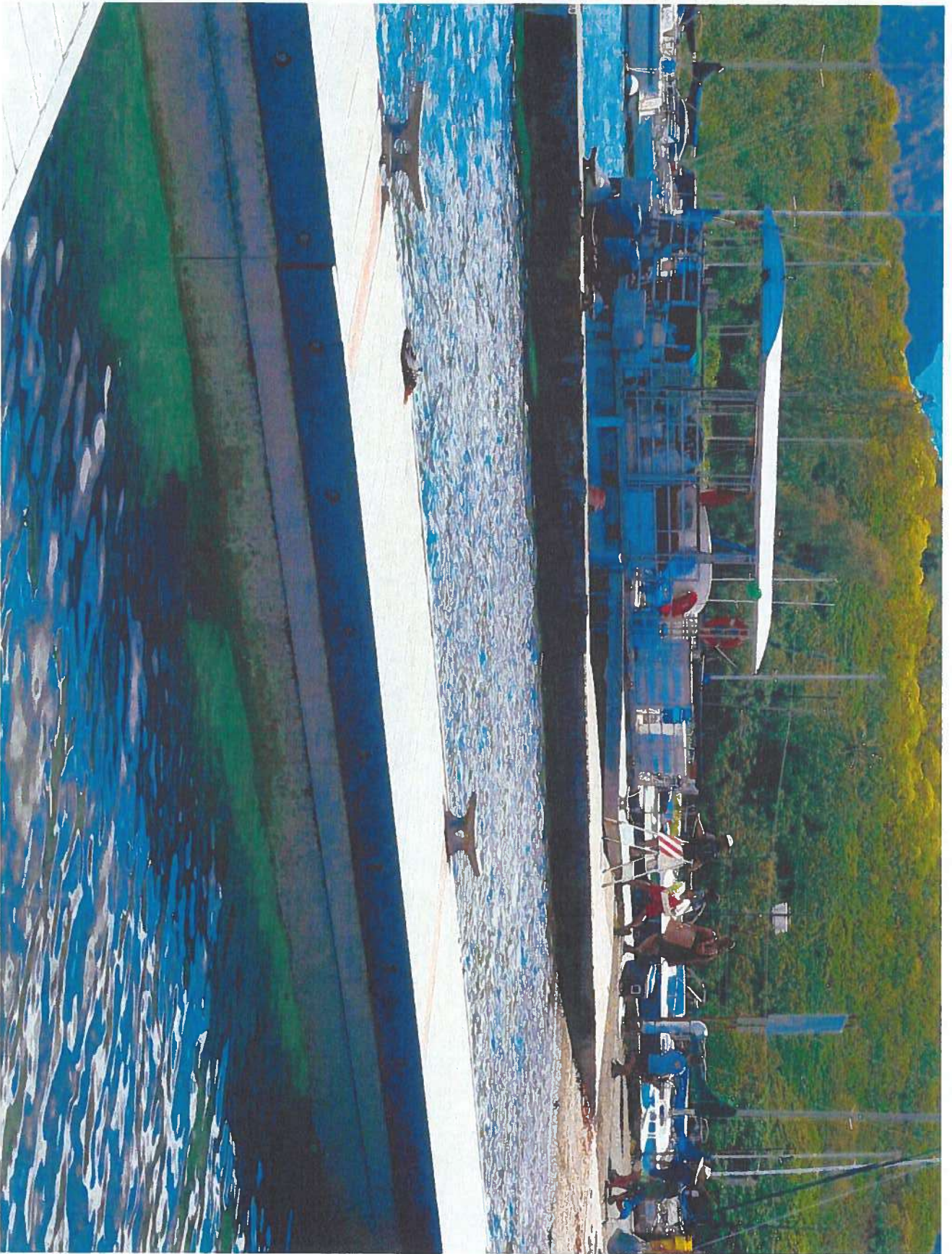




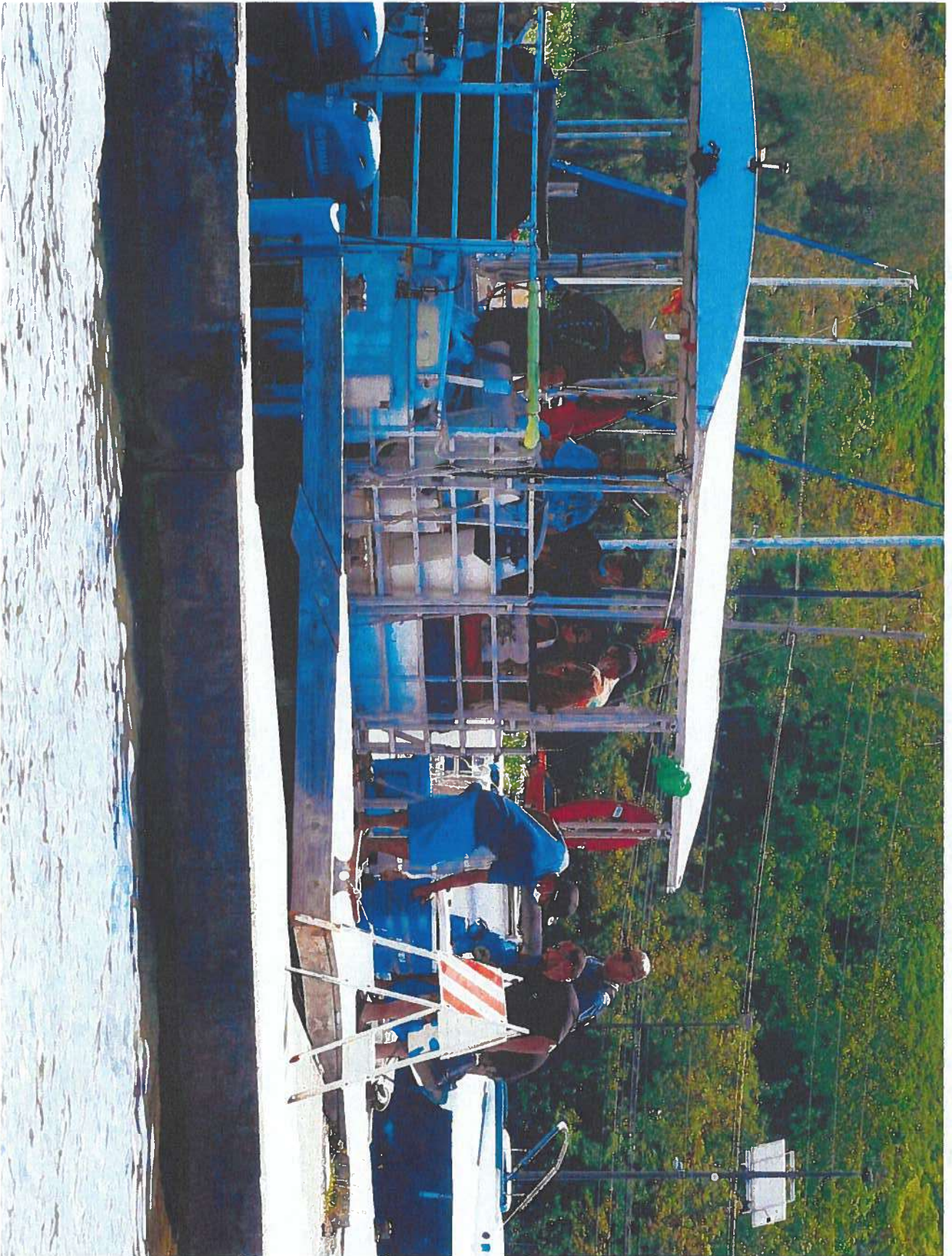




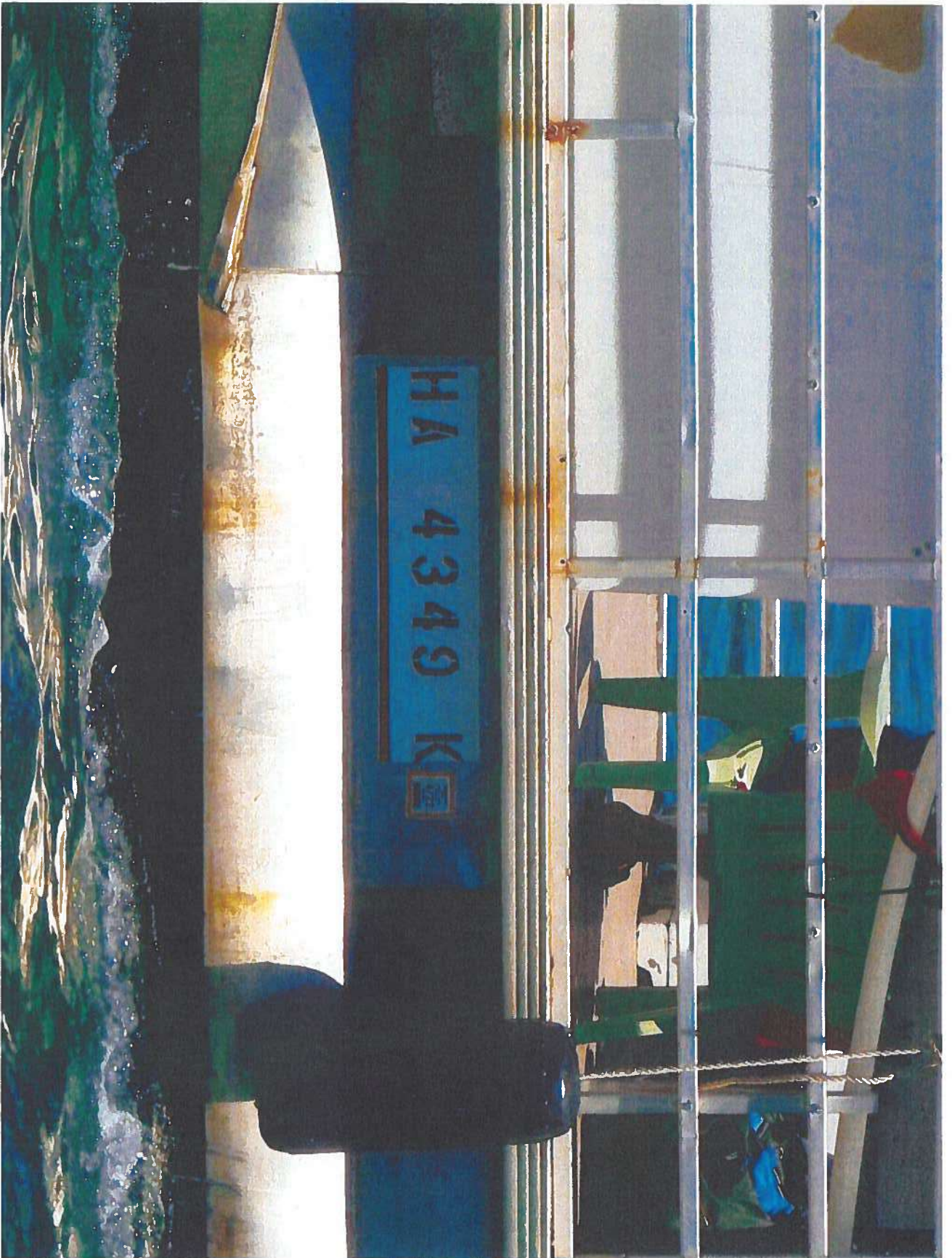














MEMORANDUM

DATE: 9/8/21

TO: To the file

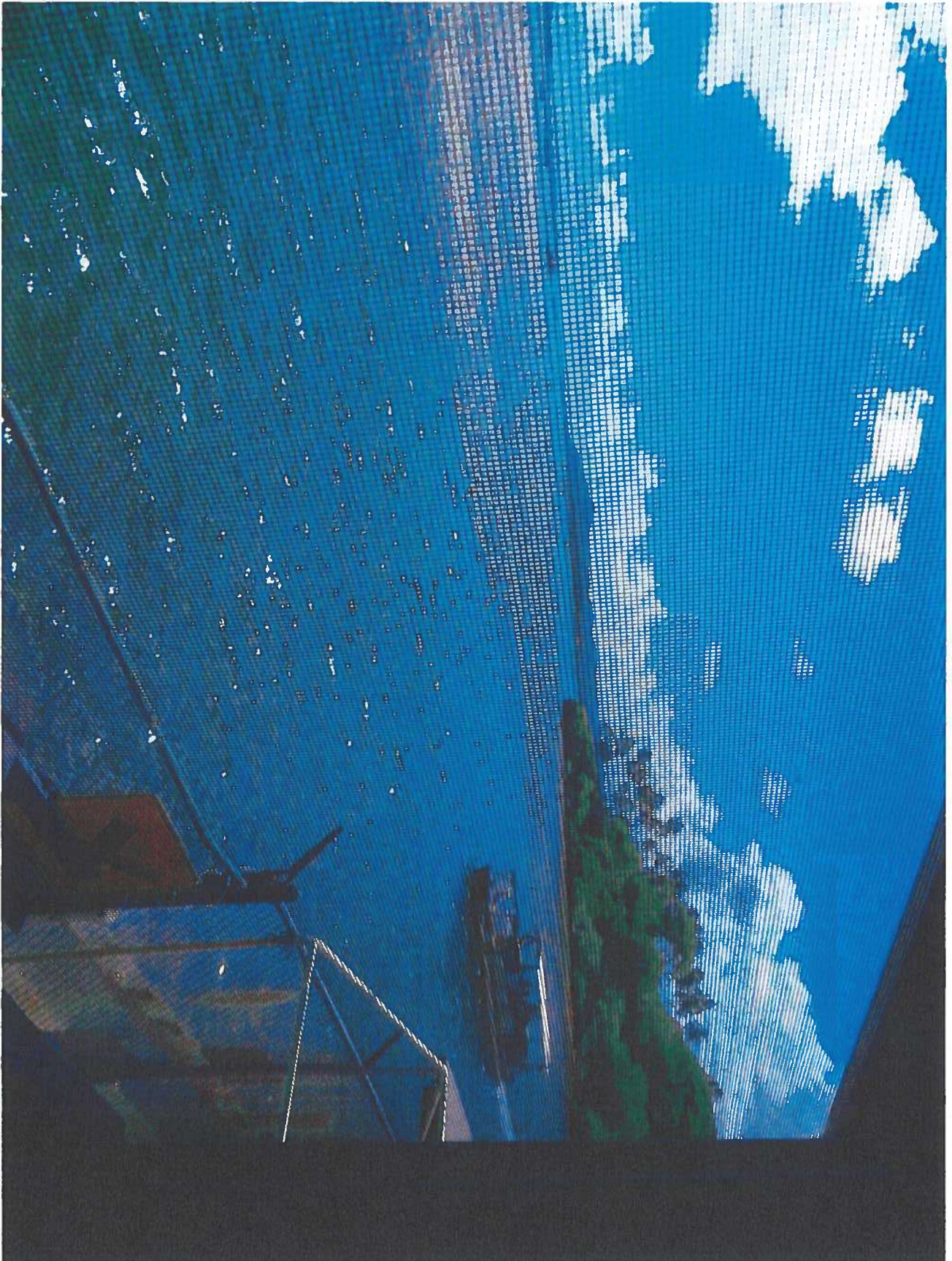
FROM: BOR-OK, Tanya

SUBJECT: Tom Bellit Picked up at loading dock

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On 09/08/2021 at approximately 10:50 am I observed Mr. Thomas Bellit load 8 people 4 were small children onto his vessel. "Carry On" HA 4349 K at the Loading Dock of He'eia Kea SBH. I was late to the dock for photos but got photos leaving the harbor through my office window. Mr. Bellit was waiting rite outside the channel marker till his people were all together and ready at the Loading Dock.

















STATE OF HAWAII  
BOARD OF LAND AND NATURAL RESOURCES

PETITION FOR A CONTESTED CASE HEARING

RECEIVED

2021 OCT 18 PM 1:37

DEPT. OF LAND  
& NATURAL RESOURCES  
STATE OF HAWAII

OFFICIAL USE ONLY	
Case No.	Date Received
Board Action Date / Item No.	Division/Office

INSTRUCTIONS:

- File (deliver, mail or fax) this form within ten (10) days of the Board Action Date to:  
  
Department of Land and Natural Resources  
Administrative Proceedings Office  
1151 Punchbowl Street, Room 130  
Honolulu, Hawaii 96813  
Phone: (808) 587-1496, Fax: (808) 587-0390
- DLNR's contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (<http://dlnr.hawaii.gov/forms/contested-case-form/>). Please review these rules before filing a petition.
- If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.
- Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a \$100.00 non-refundable filing fee (payable to "DLNR") or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner's financial hardship.
- All materials, including this form, shall be submitted in **three (3)** photocopies.

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Name Thomas P. Bellit	2. Contact Person	
3. Address [REDACTED]	4. City Kailua	5. State and ZIP HI 96734
6. Email [REDACTED]	7. Phone [REDACTED]	8. Fax

B. ATTORNEY (if represented)		
9. Attorney Name Dennis W. King	10. Firm Name Deeley King Pang & Van Etten	
11. Address 1003 Bishop Street, Suite 1550	12. City Honolulu	13. State and ZIP HI 96813
14. Email dwk@dkpvlaw.com	15. Phone 808-533-1751	16. Fax 808-599-2908



C. SUBJECT MATTER	
<b>17. Board Action Being Contested</b> Enforcement action presented at October 8, 2021 Board Meeting initiated 09/29/2021 letter from Edward Underwood concerning alleged violations of HAR 13-256-3 and 13-256-73.1 and proposed fines.	
<b>18. Board Action Date</b> October 8, 2021	<b>19. Item No.</b> Agenda Item J2
<b>20. Any Specific Statute or Rule That Entitles Petitioner to a Contested Case</b> HRS § 91-9 HAR § 13-1-28, 29, 29.1	
<b>21. Any Specific Property Interest of Petitioner That Is Entitled to Due Process Protection</b> DOBOR of DLNR is seeking to fine Petitioner \$360,000 and to obtain other relief for alleged violations of the regulations mentioned in paragraph 17 above, which Petitioner denies.	
<b>22. Any Disagreement Petitioner May Have with an Application before the Board</b> Petitioner denies the alleged violations referenced in paragraph 17 above.	
<b>23. Any Relief Petitioner Seeks or Deems Itself Entitled to</b> The administrative enforcement action for the alleged violations should be denied with a finding of no violations.	
<b>24. How Petitioner's Participation in the Proceeding Would Serve the Public Interest</b> To diminish or eliminate baseless enforcement actions against him and cease harassing him on using his boat in Kaneohe Bay.	
<b>25. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR</b> He is the accused violator in DOBOR's pending enforcement action.	

☐ Check this box if Petitioner is submitting supporting documents with this form.

☒ Check this box if Petitioner will submit additional supporting documents after filing this form.

Thomas P. Benoit  
 Petitioner or Representative (Print Name)

T.P. Benoit  
 Signature

10/28/21  
 Date