

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i 96813

December 8, 2022

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

SUBJECT: Division of State Parks Recommendation for Denial of Petition for Contested Case Hearing filed on September 7 2022, after Denial of Oral Request for Contested Case Hearing at Board of Land and Natural Resources Meeting on August 26, 2022, regarding the Board's Decision on Item E-3, "Forfeiture of General Lease No. SP0186, Anthony Locricchio, Lot 82, Pu'u Ka Pele Park Lots, Waimea, Kona, Kaua'i, Hawai'i, TMK: (4) 1-4-002:079"

The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

PETITIONER: Anthony P. Locricchio

LANDOWNER: State of Hawai'i

LOCATION: Pu'u Ka Pele Park Lots, Waimea, Kona, Hawai'i TMK: (4) 1-4-002:079

BACKGROUND:

At its August 26, 2022 meeting under agenda item E-3, the Board of Land and Natural Resources (Board) approved the forfeiture of General Lease No. SP0186 to Anthony Locricchio for failure to pay rent, water charges and late fees, and failure to provide liability insurance for the cabin (Exhibit A). Mr. Locricchio's rent is in arrears \$28,613, representing three years of non-payment of lease rent. The lease included a provision reserving to Lessor State ownership of all improvements – including any cabins – as may be present prior to commencement or constructed during the lease term.

At the meeting, the Board received written testimony and extensive oral testimony from Anthony Locricchio. He objected to the short notice given him by posting on the cabin door that the item was on the Board's agenda. When asked why he had not responded to DLNR (Department of Land and Natural Resources) property management staff notices in three years, he replied there were notices but no action was taken. He said that two years ago he gave detailed information on why he was not paying the rent, i.e., because he had "millions of dollars to my advantage" of which there was only \$9,000 owed, but claimed he received no response or action taken by the Attorney General.

He said he was forced to sell his property – the cabin – which he said a former Board chair had told him that if he built a cabin it was his. He said in 1985 the cabins were taken away DLNR and Susan Chase (sic) by abuse of power by government which is a RICO (Racketeer Influenced and Corrupt Organizations Act) violation. He said “we had to go back ten years to show that act occurred more than once.” He said a second violation occurred – when there was an attempt by Mr. Caldwell (sic) to steal the cabin by fraud – due to State Parks having another person who was using the cabin to say he would pay the rent which would end any loss re: the cabin.

Mr. Locricchio said he got a person named Dean Gonzalez to pay the rent, but there was no knowledge of this [by DLNR]. He said the lease was not assigned to Mr. Gonzalez, but Mr. Gonzalez offered to pay the rent because Mr. Gonzalez’ group was using the cabin and would pay for it. Mr. Gonzalez had promised to Mr. Locricchio to pay but didn’t pay. Mr. Locricchio said he paid the rent the day before default.

When asked when he last paid rent on the leased cabin, he replied “... every day that I’ve owned the cabin because of ‘offset’”. He hadn’t paid “your concept of rent” but paid his concept of rent. Under RICO, damages are treble or up to \$75 million, and in 1985, when DLNR took everybody’s cabins damages were \$20 million, but the Board was kept in the dark by Mr. Cottrell and the AG, that he had sent letters because of what he was owed – and wanted a hearing before the Board, and be allowed to present evidence. He said that Boardmembers will be liable for damages.

As part of his testimony, he made references to a hearing that he didn’t receive, and referral to the Washington, D.C. federal court. He justified nonpayment of rent based on damages he said he was owed made to prior court hearings and that Mr. Locricchio intended to request a hearing on item E-3 but said he would defer the request while waiting for what the Board would do on the item. Boardmembers voted to go into executive session to consult with the deputy attorney general on the Board’s powers, duties, privileges, immunities, and liabilities (under HRS § 92-5(a)(4).

After the executive session, State Parks Administrator Cottrell corrected the TMK number in the submittal to be consistent with the agenda title. State Parks Assistant Administrator Carpenter said that Mr. Locricchio signed the lease in November of 2008 which indicates a reservation of all improvements (including the cabin) prior to or after the commencement of the lease.

The Board voted to approve the submittal as amended. Mr. Locricchio then made a verbal request for a contested case, stating that he has a right to a contested case hearing is based on the Board’s violation of RICO by approving the forfeiture. A motion was made to deny the verbal request for contested case and passed. Chairperson Case informed Mr. Locricchio that he has a right to follow up his request with a written petition for a contested case hearing which must be filed within ten days.

Mr. Locricchio submitted a written petition for a contested case hearing on September 7, 2022 (Exhibit B).

REMARKS:

Many of the same claims in the written petition were made and addressed at the August 26th meeting, e.g., the petitioner is entitled to a contested case due to violation of the RICO Act by the Board, use by the Board of an alleged illegal executive session, conspiracy against petitioner, payment owed petitioner for unspecified reasons or judgment.

None of the written allegations show a) particular statute, rule, or constitutional provision that requires that a contested case be given; b) any cognizable property interest of petitioner that require a contested case hearing. Prior litigation between Mr. Locricchio and former Deputy Attorney General William Wynhoff appears to corroborate the latter determination.

Based on the above, staff recommends that Board affirm its previous decision at the August 26, 2022 meeting denying Mr. Locricchio's request for a contested case hearing.

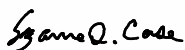
RECOMMENDATION:

That the Board of Land and Natural Resources deny the written petition for a contested case regarding the Forfeiture of General Lease No. SP0186, Anthony Locricchio, Lot 82, Pu'u Ka Pele Park Lots, Waimea, Kona, Kaua'i, Hawai'i, TMK: (4) 1-4-002:079; and proceed with the prior Board approval of forfeiture.

Respectfully submitted,


FOR CURT A. COTTRELL
Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

ATTACHMENTS:

Exhibit A – Item E-3 submittal, August 26, 2022

Exhibit B – Written petition for a Contested Case Hearing

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

August 26, 2022

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

Kaua'i

Forfeiture of General Lease No. SP0186, Anthony Locricchio, Lot 82, Pu'u
Ka Pele Park Lots, Waimea, Kona, Kaua'i, Hawaii, TMK: (4)1-4-002:079

PURPOSE:

Forfeiture of General Lease No. SP0186, Anthony Locricchio, Lessee.

LEGAL REFERENCE:

Section 171-39, Hawaii Revised Statutes, as amended.

LOCATION:

Government lands of Lot 82, Pu'u Ka Pele Park Lots, Waimea, Kona, Kaua'i,
Hawaii, Tax Map Key: (4)1-4-002:01, as shown on the attached map labeled
Exhibit A.

AREA:

1.11 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Recreation residence purposes.

ITEM E-3

Approved by the Board of
Land and Natural Resources
at its meeting held on
AUG 26 2022

EXHIBIT A

August 26, 2022

TERM OF LEASE:

Twenty (20) years, commencing January 1, 2009, and expiring on December 31, 2028.

ANNUAL RENTAL:

\$9,500.00 due annually on January 1 of each year.

REMARKS:

Pursuant to the authority granted the Chairperson by the Board of Land and Natural Resources at its meeting of July 25, 2008, and the breach provision contained in General Lease SP0186, Anthony Locricchio, Lessee, was served a Notice of Default (NOD) on numerous occasions since 2011.

As of August 11, 2022, Lessee has not contacted Staff to make payment. A last notice to vacate was posted on July 15, 2022. All letters sent to the lessee and of interest were certified mail return request receipt. Below is the breakdown of the history of the lessee:

May 26, 2011	Notice of Default (NOD) for failure to pay rent and water charges and late fees. Lessee has cured the default.
April 11, 2012	NOD for failure to pay rent and water charges and late fees. Lessee has cured the default.
June 1, 2017	NOD for failure to pay rent and water charges and late fees. Failure to provide liability insurance, unauthorized improvements and subletting. Lessee has cured the default.
March 22, 2019	NOD for failure to pay rent and water charges. Lessee has cured the default.
June 8, 2020	NOD for failure to pay rent and water charges. Failure to provide liability insurance.
October 19, 2021	NOD for failure to pay rent and water charges. Failure to provide liability insurance. Lessee was given 30 days for cure.
January 3, 2022	NOD failure to pay rent and water charges and late fees.

August 26, 2022

Failure to provide liability insurance. Lessee was given 30 days to cure.

July 15, 2022 Notice to vacate was posted by Staff.

Staff's recommendation is to terminate the current Lease with Mr. Locricchio.

RECOMMENDATION:

That the Board:

1. Authorize the cancellation of General Lease No. SP0186, in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under General Lease No. SP0186 to be applied to any past due amounts;
3. Terminate the lease and all rights of Lessee and all obligations of the Lessor effective as of August 26, 2022, provided that any and all obligations of the Lessee which have accrued up to said effective date or which are stated in the lease to survive termination shall endure past such termination date until duly fulfilled, and further provided that Lessor reserves all other rights and claims allowed by law; and
4. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under General Lease No. SP0186 and to pursue all other rights and remedies as appropriate.

Respectfully Submitted,



CURT A. COTTRELL
Administrator
Division of State Parks

BLNR – Forfeiture of General Lease
SP0186 Anthony Locricchio

August 26, 2022

APPROVED FOR SUBMITTAL:

Suzanne D. Case

SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

ATTACHMENTS:

EXHIBIT A – Location

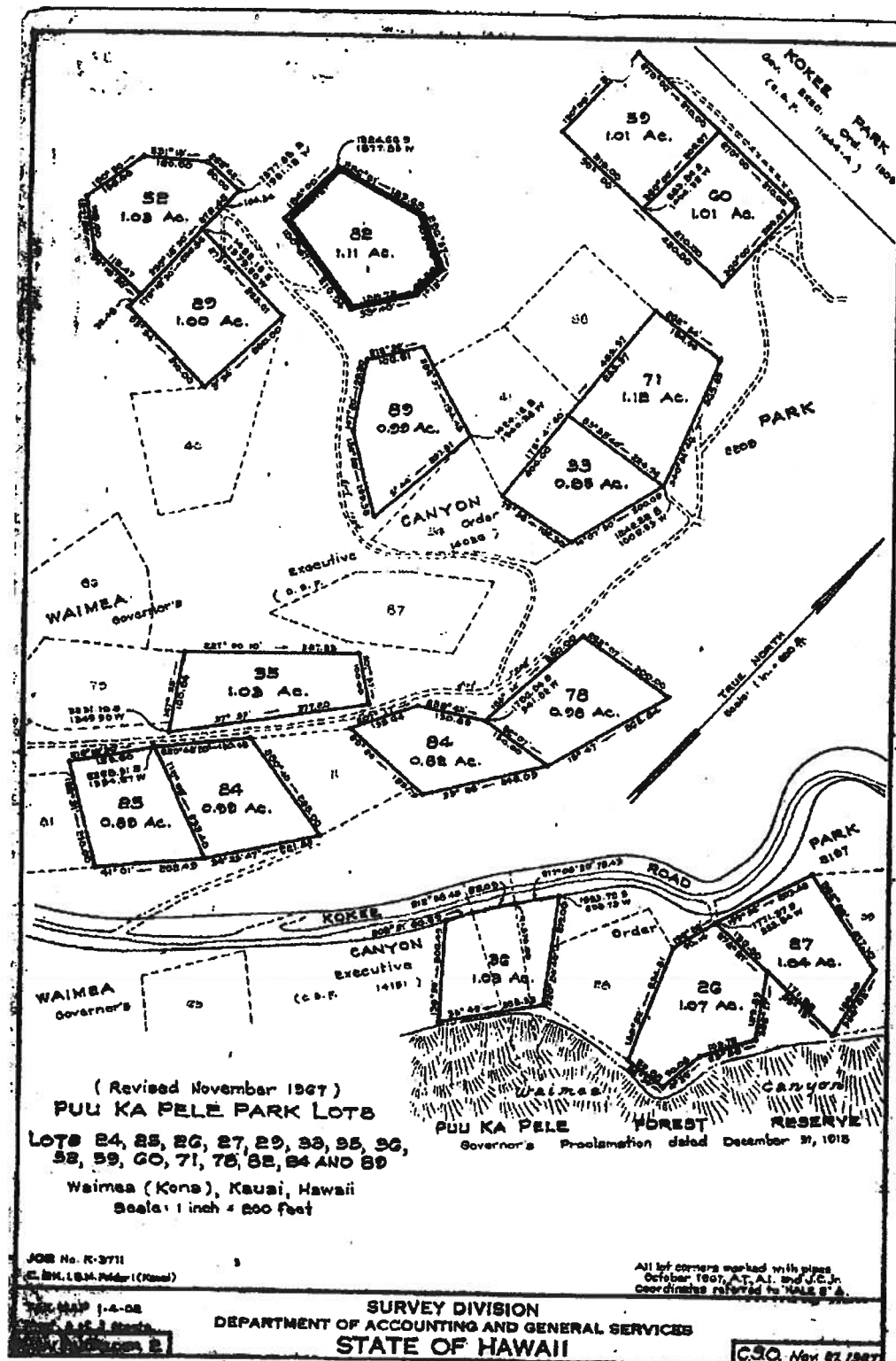


EXHIBIT A



STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

PETITION FOR A CONTESTED CASE HEARING

RECEIVED

2022 SEP - 7 PM 12:37

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

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

INSTRUCTIONS:

1. 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
2. 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://hawaii.gov/dlnr/rules/Ch13-1-Official-Rules.pdf>). Please review these rules before filing a petition.
3. 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.
4. 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.
5. 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 ANTHONY P. LOURICCHIO	2. Contact Person SAME APL	
3. Address 903 MAUNAWILI CR.	4. City KAILUA	5. State and ZIP HI 96734
6. Email TONY L @ GMAIL.COM	7. Phone 808-261-8372	8. Fax

B. ATTORNEY (if represented)		
9. Attorney Name ANTHONY P. LOURICCHIO PRO SE	10. Firm Name SAME	
11. Address 903 MAUNAWILI CR	12. City KAILUA	13. State and ZIP HI 96734
14. Email TONY L @ GMAIL.COM	15. Phone 808-261-8372	16. Fax

C. SUBJECT MATTER	
17. Board Action Being Contested TERMINATION OF LEASE E-3 AGENDA 8-26-2022	
18. Board Action Date 8-26-22	19. Item No. E-4 + E-3
20. Nature and Extent of Petitioner's Interest That May Be Affected by the Board Action PETITIONER'S INTEREST THAT MAY BE AFFECTED BY BOARD ACTION - SEE ATTACHMENT A	
21. Any Disagreement Petitioner May Have with an Application before the Board DISAGREEMENT PETITIONER IS DETAILED IN ATTACHMENT A ATTACHED HERE TO: THIS ITEM EXPANDS SEC 21- TO INCLUDE ATTACHMENT A	
22. Any Relief Petitioner Seeks or Deems Itself Entitled to PAYMENT OF JUST COMPENSATION IN THE AMOUNT OF REPLACEMENT VALUE OF STATE/FEDERAL TO BE CONFIRMED ALSO VIOLATION	
23. How Petitioner's Participation in the Proceeding Would Serve the Public Interest THE PUBLIC HAD BEEN SUBJECT TO STATE/FEDERAL THEFT OF PRIVATE PROPERTY IN AMOUNT OF \$900,000 CRIMINAL TAKING ILLEGALLY OF PERSONAL PROPERTY	
24. 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 SEE ATTACHMENT A (E-4 CAN NOT HOLD LOAN COLLIDED WRONG LOT NO ON MEETING AGENDA THUS BLNR AGENDA NOTICE MUST BE RE-FILLED FOR CORRECT HEARING AT SEPTEMBER MEETING OF BLNR	

☐ 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.

NOTE AGEND FOR AUGUST 26, 2022 MTG INCURRED SUBJECT LOAN COLLIDED LEASE BEFORE SAID LEASE TERMINATED MAKING- ANTHONY P. LOAN COLLIDED PROSE Aug 31 2022 ACTION OF BLNR

E-3 PROPERTY MLS IDENTIFIED CANNOT BE INVALID. FORM APO-11 THAT SAID PROPERTY IS EXEMPT FROM DECLARATION CHAPTER 343, HRS AND X BOARD DID NOT BUTTER TO APPROVE CORRECTION - CURT COLEMAN

The following attachment 1 detail to be confirmed by the Washington, D.C. Federal Court or alternative forum through any found violations of the R.I.C.O. (Racketeering Influenced and Corrupt Organizations) Act and Federal/State criminal law violations.

The R.I.C.O. law passed in 1970 with over 30 states adopting R.I.C.O. law is unique in that it states in the body of the Act that treble damages are permissible as penalties along with criminal under the R.I.C.O. Act it is permissible to make intent to seek treble damages without violation of rules. Locricchio's intent that he will seek to apply language of R.I.C.O. Act in his response to the appearance of criminal theft in the replacement value to be set by Jury based on any Washington D.C. Court ruling as of August 26, 2022. It is necessary in describing what is to be confirmed as a R.I.C.O. violation the value meets Federal limits. Appearance of said theft as of Aug 26, 2022 said amount has been met. (See Attachment pages 1-20).

(See Attachment 2)

Attachment 1:

This attachment represents only the occurrences of the August 26, 2022 BLNR Board meeting that occurred during the intentionally minimal time allocated by Board Chair SUZANNE CASE ACTION TO PRESENT LOCRICCHIO TESTIMONY.

R.I.C.O. Violation #1

A) Locricchio clearly stated at said session (See Record) that Suzanne Case, Curt Cottrell and Mr. & Mrs. Dean Gonzalez conspired to take possession of Locricchio's personal property in the form of his personally owned lodge and improvements on his lot which was the subject under E-3 of the above referenced

Board of Land and Natural Resources board meeting coupled with E-4 of said agenda. The taking is final and actions are ripe for filing Federal Court criminal violations against named below parties.

A-1) Board Chair Suzanne Case did not deny Locricchio's on-the-record assertion that she and Curt Cottrell and Mr. & Mrs. Dean Gonzalez the above named other three parties named here above intentionally conspired to dupe Locricchio into forfeiture of his lease. The non-denial makes Loricchio's testimony final requiring Suzanne Case to surrender the gavel and not act further in the matter as she did not deny said charges. She refused to surrender gavel.

B) Instead Suzanne Case to silence Locricchio during the public hearing used her now blocked position as Board Chair to call for and try to enact an attempt to have an illegal Executive Session.

Said abuse of her governmental power which no longer existed once she did not deny charge of R.I.C.O. violation with regard to Locricchio personal property. Then the now then blocked Board Chair Suzanne Case from enacted her next step which was to call for and attempt to implement an illegal rule violation Executive Session in the midst of Locricchio's presentation for purpose of holding a secret prohibited meeting in violation of BLNR rules to silence Locricchio's testimony.

Under rules of the Sate of Hawaii, Executive Sessions cannot be entered into unless specific rules as to 1) reason for Executie Session is publicly stated and Board voted on Execute Session and Vote of Board to enter Executive Session occurs. It did not. Thus no Executive Session occurred. Only a secret meeting occurred in violation of State of Hawaii rules.

One of the most common reasons for entering into Executive Session is the Board wishing to confer with its attorneys out of public view. A review of the record of the proceeding will show the Board Members in multiple on record and orally denied on the record that they met with their attorney in the illegal session so that excuse for an Executive Session was fully denied by Board Members themselves.

Under R.I.C.O. act is sought to be confirmed by the Washington, D.C. Court and factually by a jury from said Court. This secret session was a clear abuse of Government power by BLNR Board and all of its members and thus a prohibited secret meeting.

The illegal so-called Executive Session was used by barred Board Chair Suzanne Case to instruct all of the Board Members acting at the Aug 26 Board Meeting on how to unanimously vote when they came out of "the illegal Executive Session."

Further, BLNR Board Members were instructed to deny by unanimous vote that Locricchio would not be permitted to file application for a Contested Case Hearing. Said denial vote occurred and was approved unanimously by all Members of BLNR.

No Member of BLNR acted to rescind said vote and thus left as final the vote to bar Locricchio's right to file this application per Contested Case Hearing rules. Said vote violated BLNR and State/Federal criminal laws and therefore the vote was invalid. Nonetheless it blocked all Members of the BLNR Board from again voting on this application as their unanimous opinion was final on the record as twice voting on same issue by BLNR can not occur. Therefore, no ruling on this application can occur until newly elected Governor appoints a new BLNR Board (See Below). In that current Board has voted to deny this application for Contested case Hearing as part of the

required illegal pattern of conduct under R.I.C.O. law.

So as to Locricchio request for a Contested Case Hearing application to apply which BLNR Members so vote against and are barred from twice voting as their final vote to deny this application is on record and was never rescinded.

Locricchio during his testimony and/or again now and at Hearing including request for the video and audio recording of the Aug 26th sessions "Sections E" in their entirety. The transcripts show evidence that the fraudulent Executive Session was used by the barred Board Chair Suzanne Case without complying with Executive Session strict rules of State of Hawaii and was thus null and void but constituted an appearance of violation of Hawaii law and must be determined for review as a R.I.C.O. violation.

In summary, Case used the fraudulent so-called executive Session to stop Locricchio's open public testimony at said Hearing in violation to be confirmed by District Court of Washington, D.C. or alternative forum Federal/State criminal or other law and to be confirmed as a R.I.C.O. violation.

At this time the fraudulent rule breaking R.I.C.O Violation Executive Session the entire Board of the Board of Land and Natural Resources voted on-record unanimously to not allow Locricchio to have a Contested Case Hearing under violation of rules and in further violation of said rules that clearly allow the Contested Case Hearing application which Locricchio had right to file to be heard to occur.

Because that vote was unanimously passed by entire Board of BLNR is final on record as it was not rescinded. The issue of denial of Locricchio clear right to seek Hearing on this application is thus final as all BLNR Members violated rules to not allow Hearing of Contested Case application.

The illegal Executive Session and was not rescinded or called for rescision by any Board Member or Suzanne Case acting as then barred Board Chair so that vote stands as a final vote denying Locricchio rights to apply for Contested Case Hearing. The final BLNR vote to deny filing of the instant application in the future was that the Board had already determined that Locricchio should not have one even before he filed this instant application in due process Federal and State laws.

Because that vote was not rescinded it is a final action by the Board that Locricchio could not have a Contested Case Hearing. The record makes clear due process violations the error in denial vote. When Locricchio objected, then acting Board Chair Suzanne Case with no longer authority to act gave Locricchio documents where he could apply to have Contested Case Hearing. That application had already been mooted by the entire Board that Locricchio could not have a Contested Case Hearing and thus was the final ruling by the entire Board and not retracted.

Thus, the entire Board can now not vote again on the request for Contested Case Hearing application when they already stated their unanimous opinion that there not be a Contested Case Hearing for Locricchio. In their unanimous vote certain BLNR stated on the record that "we want to get this over with now" and then proceeded to vote no application for this Hearing be allowed.

Therefore no vote by the current BLNR on this petition to have a Contested Case Hearing can occur as all members of the Board whom are all thus barred from re-voting as having already voted that Locricchio would not have a Contested Case Hearing.

Thus until a new Board is appointed by whomever is elected as Governor as the Board Chair of Board of Land and Natural Resources is a member of the Governor's

Cabinet for an agency that is the largest most powerful state agency in Hawaii.

A copy of this requested petition to have application for Contested Case Hearing will be ordered to go forwarded to obtain evidence for the candidates for the office of Governor for the State of Hawaii so that they may be aware of the exchanges referenced above and below that occurred at the Aug 26, 2022 Hearing in to be ruled on violations of State of Hawaii rules that require the BLNR Members to review applications for Contested Case Hearing which was denied even before it was even filed.

Federal/State criminal law and R.I.C.O. violations sought to be confirmed by the Washington, D.C. District Court or other channels and Jury will seek confirmation of abuse of Governmental power by BLNR action in the unanimous vote to deny Locricchio's instant application which is final .

The petitioner Locricchio will offer to meet with legal advisory staff of the Governor's Office campaign members to respond to any questions that may be clarified to this petition conveyed to said campaigns.

If no requested meeting occurs then the offer of evidence consideration that was censored or denied will be forwarded to D.C. Court or other alternative tribunal for review.

Next, the total damages of Curt Cottrell's admission on-the-record that he and the Board Chair and BLNR Board Members conspired to take illegal possession of up to one hundred (100) of lessees' personal property improvements by making impossible compliance with a laughingly impossibly short noticed directive to either sign surrendering of personal property without receiving Just Compensation or not be able to

lease the property that said lessees occupied with their personal property.

A review of admitted written Cottrell/Case demand to convey lessees personal property or lose right to lease land was in violation of State/Federal constitutions and legislative intent or additional power abuse of Government in the most massive taking of personal property in the history of Hawaii except for massive theft of Hawaiian lands under missionary taking under guise that God wanted missionaries own Hawaiian lands.

Curt Cottrell admitted on the record that in July 1985 he and Board of BLNR, in to be determined violation of R.I.C.O. Act, state legislature intent, and State and Federal criminal acts that Cottrell acted with approval of BLNR Board including Case subsequently to take initial steps to steal personal property of said up to 100 lessees valued at total amount per year to be determined for the 1985 to 2022 period or a value per average lot of approximately 37 years of total average loss to be determined on a over times listed without calculation of treble damages under any R.I.C.O. findings.

Until the Aug 26, 2022 Board meeting and Curt Cottrell admission on-the-record that he had conspired to take and did take said personal property valued on an average over the time period of an amount to be proven before D.C. Court or alternative forum in damages set at D.C. Jury to be assessed per property. Thus taking that personal property with no denial of Curt Cottrell that he had done so is a final admission finalized at Aug 26, 2022 BLNR meeting and votes taken by BLNR Board Members.

That lack of denial with an opportunity to deny instead was confirmed by Curt Cottrell on-the-record making he and eventually Suzanne Case and BLNR Members personally liable Members of the Board of Land and Natural Resources who confirmed

their agreement and approval of voted unanimous Board that said criminal taking of lessees property at the Aug 26, 2022 Board Meeting was an approved criminal taking by said Board to be confirmed as a massive theft of personal property in civil criminal action of BLNR/DLNR parties after Federal Court Hearing and assessment of any R.I.C.O. violations of that Court or Jury or alternative forum.

Until the action of Board of Land and Natural Resources/Department of Land and Natural Resources Board Members was finalized on Aug 26, 2022 Board meeting to take 7 (seven) specific properties that had been under above referenced abuse of Governmental Power to be confirmed as criminal acts used at an auction (see Aug 26, 2022 Board meeting record including entire section E – specifically E-4 agenda). Locricchio's personal property was Noticed for sale at E-4 auction on agenda prior to it being taken Illegally by BLNR Board. Potential bidders were informed before Aug 26, 2022 Board meeting that Locricchio's property would be among 7 (seven) personal properties including Locricchio property before it was taken.

Once the aproved intent to sell personal assets of said 7 persons was approved by BLNR Members then all aspects of the to be confirmed criminal acts were final with personal liability of BLNR Board and named parties and especially Curt Cottrell who cockily bragged he had controlled the to be determined theft of personal property of up to 100 plus lots of citizens of Hawaii.

Then the action and full intent of criminal theft referenced above to be confirmed by Washington, D.C. Court and Jury or alternative forum was final as will be further sought to be confirmed by this requested copy of the oral and video record of the Aug 26 meeting (A review of Suzanne Case record statements is that she may be intending

to deny complying with the request for record to support this petition for Contested Case Hearing). If she does so then additional criminal violations are to be sought by D.C. Court committed by her in furtherance of her coverup of conduct at Aug 26, 2022 hearing to terminate Locricchio's testimony by use of fraudulent executive session and refusal to allow Locricchio to continue after secret meeting occurred.

The abrupt cut-off of Locricchio's interrupted testimony after "rule breaking" Executive Sessions was further in abuse of named parties of Governmental Authority to be determined in subsequent rulings by Locricchio. Silencing of a witness to terminate his testimony against blocked Board Chair thereby denies right to Hearing by Governmental Power abuse. A R.I.C.O. violation is found by tribunal.

Witness Locricchio as to be confirmed R.I.C.O.violation will be sought to above potential penalties as voted on by personal agent BLNR Members and DLNR named staff to be confirmed by Washington, D.C. Court and its Jury.

Admitted conspiracy on-the record to steal property and deny its use to treat said property not belonging to lessees confirmed the Curt Cottrell admissions on the record of August 26, 2022 BLNR meeting as will be argued before said Federal Court and Jury or other tribunal Locricchio since 1985 creates a criminal theft of state abuse of its power over citizens property in violation of existing State/Federal Constitutional laws and to be confirmed criminal laws criminal law and R.I.C.O. violations to be confirmed violations and denial of constitutional protections violated finally on Aug 26, 2022 by Board of Land and Natural Resources as Board meeting. Actions above are final with announcement of said 7 (seven) properties to be auctioned without mandatory Just Compensation to be paid to local owners of said property admitted taken by Curt

Cottrell on record.

All Members of the BLNR Board and named parties including Cottrell and Mr. And Mrs. Dean Gonzalez and Suzanne Case will have opportunity to state they have not acted to violate above laws under oath as is required since they terminated Locricchio's testimony. This application for Contested Case Hearing makes no conclusion as to any listed areas that will have a Full Hearing before intended District Court Washington, D.C. Court or other tribunals.

This application for Contested Case Hearing as a courtesy now that final taking has occurred by unanimous vote of BLNR and separate final attempted taking are listed for review with parties offer Council including that Locricchio must now file as the BLNR Members Cottrell and Gonzalez parties are made aware of actual votes and statements and abuse of Governmental power on the record.

That amount of actionable criminal theft will be shown to the Federal District Court of Washington, D.C. or alternative tribunal to be on average for the up to 100 lots of in amount to be proven per year per lot loss via the State/Federal alleged criminal theft to be confirmed is to specific R.I.C.O. possible violations by Washington D.C. Court and Jury or other tribunal.

Therefore over the period of time since 1985 continuous violations finalized on Aug 26, 2022 the penalties that will be argued to be assessed against proposed personally against Curt Cotrell and the Board of Land and Natural Resources, Members, State of Hawaii, named Department of Land and Natural Resources staff and Mr. and Mrs. Dean Gonzalez could exceed a massive amount to be determined by Washington D.C. Court under submission to said Court or other tribunal.

The use of R.I.C.O. action is strict with extensive requirements that must be complied with. This application can give BLNR Board Members Notice of actions committed by above parties none of which have been created by Locricchio but shockingly voted on and admitted by named parties who may in response to this application deny abuse of Governmental power so that record will be complete and ready for filing along with Locricchio's expected extensive response needed as termination of Locricchio's testimony did not allow his additional testimony to be placed on record.

Because if the case were to have been argued in the Federal District Court of Hawaii there would be potential conflict of interest if a Hawaii jury were to believe that they as citizens of Hawaii might be liable to pay through taxes excess damages. Also supplemental evidence with the final evidence not submitted until D.C. Court actions and any determined R.I.C.O. actions the assets of Board of Land and Natural Resources Members and Curt Cottrell, barred Board Chair Suzanne Case, and Mr. & Mrs. Dean Gonzalez all assets of theirs had been liquidated if under sought to be orders of Washington, D.C. District Court or alternative forum with damages set by D.C. Court Jury as will be sought under R.I.C.O. and Federal/State protections or alternative tribunals.

If Mr. and Mrs. Dean Gonzalez would based on advice of Counsel to give sworn testimony on plot to take Locricchio's Koke'e personal property taken by conspiring with Curt Cottrell and/or approval of Suzanne Case under oath. Then based on contact from attorney for Gonzalez within 10 days of receipt of this document further exploration may occur.

The remaining balance of any damages set by Washington D.C. Court and Jury under R.I.C.O. may be available as treble damages if confirmed by Washington D.C. Court and Jury or alternative tribunal.

Locricchio will ask served parties to keep a list of their assets as of August 26, 2022 for assurance of avoiding hiding of assets as of Aug 26, 2022.

(Evidence will be submitted that after all assets of Board of BLNR, including Suzanne Case, Curt Cottrell, and Mr. And Mrs. Dean Gonzalez as of the date of taking Aug 26, 2022.

As DLNR has refused to give any information regarding Dean Gonzalez and his wife as use of Koke'e lease and cabin it is determined that State is thus hiding matter related to Gonzalez as tampering with witness in violation to be determined of R.I.C.O. inquiry.

Locricchio is an expert in the State of Hawaii in two main legal areas. First, in his legal career he handled over 1,000 Land Reform cases one of which was brought before the United States Supreme Court with Harvard University Constitutional professor acting as successful lawyer for lessees cases before U.S. Supreme Court.

The United States Supreme Court approved Hawaii law and its implementation through payment of Jury determination Just Compensation in the condemnation or large landowners leases with payment of Jury approved Just Compensation payment over failed objections of landowners.

Second, in the area of Defamation law Locricchio remains to this day the largest holder of defamation Federal/State Jury verdict of over \$500,000 in the history of

Hawaii. Additional new defamation of Locricchio occurred on Aug 26, 2022 by finding of BLNR Board Locricchio had no right to withhold payment of rent without offset of funds owed to Locricchio.

Appeal of Jury verdict by appeal of said jury verdict by which was lost by them in opposition Court. Opposition was lost and final payment was made to Locricchio and allowed him to continue to provide legal services to clients who could not afford to pay attorneys for said services which were made pro bono.

However, Locricchio's expertise in Condemnation law informs him that under United States Supreme Court multiple verdicts that all any government need do to seek Condemnation of Locricchio's or any other person's property is that said government may take said citizen's property on payment of Just Compensation for nearly any "*public purpose*" reason so that Locricchio is not under this Contested Case Hearing seeking application to challenge in any manner the criminal taking of the entire BLNR Board to terminate Locricchio's lease and thereby take Locricchio's private property.

As Locricchio intends to seek damages for the criminal thefts on Aug 26, 2022 in the Washington D.C. Court or alternative tribunal under criminal violations and any R.I.C.O. finding requiring treble damages to assure the alleged criminal misconduct by BLNR and its entire Board of members, including Suzanne Case and named DLNR staff including Cottrell and above named parties including Mr. And Mrs. Dean Gonzalez through massive abuse of Governmental Power and conspiracy will send a clear message to Hawaii Government acting under what is known as "Plantation Mentality." That the above and below R.I.C.O. required Pattern of Conduct will be stopped in its entirety.

To repeat the criminal taking of Locricchio's private property was made final on Aug 26, 2022 Hearing with said taking of property by BLNR Board.

Locricchio property is gone. He will seek payment of Just Compensation in Washington D.C. Court or alternative tribunal damages.

All damages will be heard by Washington D.C. Court and Jury and/or alternative tribunal.

This petition for Contested Case Hearing and all responses thereto will be evidence of complete record including personal taking of content property (See Below) beyond personal property issues as herein sought to be conveyed to Locricchio and his responses by Locricchio to compensate for cutting off Locricchio testimony.

I will miss the lodge as it was the best property in all of Koke'e and thus was the source of multiple attempts to criminally take said property due to its excellence and massive expenditure of Locricchio's funds to keep "excellent" state determination appraiser of Locricchio's property.

Said lodge was to continue to be used by non-profit organizations for overnight meetings at no charge but now can not be so used.

Further, argument in support of granting Contented Case Hearing will be supplied upon receipt of record of Aug 26, 2022 meeting referenced. So the record may be forwarded to the Washington, D.C. Court or alternative tribunal with the complaint to respond by correction will thus be complete and will include this petition for right to apply for Contested Case Hearing and any response to it in all tribunals.

Finally, I am demanding that I be allowed to remove personal contents property from said lodge.

HISTORY

The Notice attached to the premises on July 15, 2022 gave a ridiculous 48 hours to remove content personal property or it would be deemed "*abandoned*" under illegal by Cottrell DLNR and Board Chair actions.

The Notice was made and was posted with assurance Locricchio would not know it had been attached and without Noticing Locricchio at his Oahu residence that it had been posted.

The taking of said personal content property items without proper reasonable Notice will be sought as additional criminal taking of that contents personal property and items sought to be additional separate taking of Locricchio personal property act against property* as of Washington D.C. Court or alternative tribunal to declare said taking with no enforceable Notice which will be sought to be constituted a R.I.C.O. violation when it was posted.

If no allowance removal of said additional personal property and if no opportunity to obtain those personal content items then treble damages will be sought in District of Columbia Court or alternative tribunals for replacement value of said personal contents property if BLNR/DLNR denies this written demand to claim said properties of Locricchio at Koke'e Lot.

Locricchio will need a 10-day Notice that he may remove his personal property at a mutually agreeable 10-day period respond in writing as to this demand.

Anthony P. Locricchio *QPS*

Anthony P. Locricchio pro se

* Note: under R.I.C.O. case law any action by named parties can not be against persons but must be as in this case herein against property.

Attachment No. 2

Next for most important basis for this application for Contested case Hearing is as follows:

1) Cottrell admitted on record that in July of 1985 he took control of BLNR theft of up to 100 plus lots personal property improvement taken by State of Hawaii.

In person of Curt Cottrell with subsequent approval of BLNR Board and Suzanne case said to be determined as largest Constitutional violation in history of State of Hawaii.

By making a condition of said 100 plus lessees continued use of the BLNR leased lots their personal property improvement (cabins/lodges) could only be had by surrender of their personal property. The conditions left lessees with no choice but to sign over rights to property that were invalid.

2) Cottrell admitted that said improvements were the personal property of the up to 100 lessees by demanding of immediate surrender of personal property to be allowed to keep their lease. This was the most massive theft in the history of the State of Hawaii of citizens personal property through Governmental Power abuse.

2A) Cottrell knew under BLNR original directive by Board Chair Susono Ono that the BLNR Chair had issued an unconditional directive that any said improvements on property were personal property of lessees.

2B) Therefore, to transfer ownership of said improvements to State of Hawaii if to be determined by D.C. Courts or alternative tribunal of to be determined millions of dollars of value of said improvement.

Cottrell to raise himself to the position of administrator of DLNR and The greatly

increased monetary salary thereunder designed plot the admitted on August 26, 2022 plot for State of Hawaii to have ownership of all improvements on said lease up to 100 lots (up to 100 plus) under what will be sought to be determined unenforceable condition.

2C) At exactly the same time Cottrell Noticed all lessees that unless they surrendered the ownership of said totally millions of dollars value of up to 100 plus lessee lots by signing over ownership of said improvements to State of Hawaii only then would they be allowed to continue use of their leased property.

2D) Cottrell then proceeded to make certain that lessees had no choice but to sign to surrender their personal property as the ridiculously short period of time Cottrell gave them to surrender ownership made impossible to take alternative to disassemble and remove said cabin improvements in way way way too short a time to take their personal property without destroying it from lease lot.

Using Locricchio's personal improvements built by him as an example of the impossibility of the massive theft as a matter of weeks that Washington D.C. Court and Jury or alternative forum as will be sought to find what was intentional impossible brief to force signing of transfer of personal property improvements to State of Hawaii under impossible time.

The only remedy the lessee had was to sign as unenforceable surrender of said personal property.

Under conditions set by Susono Ono, the BLNR Chair at time of original auction all improvements personal property of lessees at original auction of said leases the lessees who were winning bidders for their lots were given two years (2 years) after

auction leases were served to build cabins that required the approval of BLNR to be built and accepted by BLNR.

Under the Cottrell plot to force transfer of ownership only Cottrell plot intentionally used the conditions of Koke'e State Park to assure his plan to steal personal property of up to 100 plus lessees was made impossible to save the major personal property was known to all users of Koke'e.

That removal of improvements was impossible within Cottrell allowed by force a ridiculous short time to move improvements time period, thus any waiver of personal property could not be enforced as was null and void as no real time to move personal property was allowed under forced plot.

A. Roads in poor conditions making an onslaught of lessees trying to remove their cabins impossible under the Cottrell plot.

3) The short Notice not only made any removal of cabins impossible but the needed massive influx of contractors that would have been required to remove personal property was not even available on Kauai at the time of Curt Cottrell plot making surrender the only real option impossible that surrender was not enforceable.

Cottrell was required under his plot to have allowed all lessees the option to dismantle and remove improvements on time equal to build set improvements or to set various time periods where feasible removal was not impossible.

If the State's intent under Cottrell plot was to protect lessee rights, it did take exact opposite position in approval of massive theft plot in what became the most massive property theft in Hawaii history.

Impossibility is and was a block to steal up to 100 lots improvements or even for

sake of argument before Washington D.C. Court or alternative tribunals and Jury using only 50% of that number the impossibility would still remain.

Ironically, when Curt Cottrell on the record Aug 26, 2022 admitted the impossible plot then BLNR Members must have explored the above factual impossibility of Cottrell plot. They did not and approved the Cottrell plot by unanimous approval at the Aug 26, 2022 BLNR meeting.

The role of BLNR under the oath they took upon appointment to BLNR Board was to use their office to not protect Cottrell or Case or the Gonzalez' which they did not do but by refusal to protect citizens which they (Board) refused to do in violation of their sworn oaths.

The current BLNR Board upon the Cottrell admission of allowing theft of property should have immediately called for investigation of Cottrell admission, They did not bother to do by their series of votes on Aug 26, 2022 thus became co-conspirators in the criminal to be confirmed taking of up to 100 personal properties which was invalid but instead finalized at Aug 26, 2022 meeting of BLNR the theft of massive amounts of personal property.

In that it now appears Cottrell after his admission will be left in place as administrator of DLNR. That act will be forwarded to review of facts for consideration by D.C. Court and Jury or alternative tribunal.

When this matter is filed in D.C. or alternative forum with Cottrell and Case and BLNR Board continuing their roles. It will be likely the D.C. Court and Jury will question via penalties they may issue "just what does a Hawaii BLNR administrator have to do before Hearings are set for his removal.

The shock that said reviewers may have that no matter how greivous the massive Act. Said BLNR/DLNR Board Members and DLNR staff are left in place without any penalty.

Because Cottrell will likely be allowed to continue 37 year gross violations without penalty even now when admission of Cottrell act of gross misconduct was admitted on record at Aug 26, 2022 BLNR meeting will assist Locricchio's case as no comparable history has ever occurred without steps for removal. This detailed Notice is now served on BLNR Board so they cannot claim they were "kept in the dark" despite Aug 26, 2022 record and this appliction.

Because the July 1985 forced signing of waiver of personal property was unenforceable and Locricchio created an ongoing Noticed objections to the Cottrell plot the theft of his property as detailed in E-4 agenda was invalid.

Nonetheless, by unanimous vote after Cottrell admission will be silent not to be exempt action by BLNR Members and sought to be a nonexempt series of conduct by said BLNR Board. Locricchio will seek finding that the BLNR Board Members taking of his personal propertyby final act at the Aug 26, 2022 BLNR Board meeting despite not only admittingthe acts of July 1985 but also having Cottrell a new Board Member correcting BLNR published error and circulated on record Notice where attempt to steal Locricchio property was defective in that agenda item of E-3 described another lot.

To show Board allowing Cottrell to be without authority to do so allowed Cottrell to correct wrong Notice.

The BLNR Board Members after Notice of what will be sought to be ruled in R.I.C.O. violations by Washington, D.C. Court or any further action to be taken by

Locricchio to receive Just Compensation once said Board acted to take without authority and/or payment of Just Compensation Locricchio private property as an act that will be sought declared as a R.I.C.O. violation with properties issued upon Hearing by Washington, D.C. Court or alternative forum or any remedy sought by Locricchio as Constitutional State/Federal criminal law violation by BLNR Board seeking personal liability by non-exempt for said final taking of Locricchio personal property at Aug 26, 2022 BLNR meeting under non-exempt BLNR Board Members personal liability as Proffered for review of already final theft to be determined by any action sought by Locricchio as taking a citizen's property without authority. Theft of personal property was not final until board members unanimous vote to steal Locricchio property. To do so and taking personal property without taking action to determine amount of Just Compensation which is deemed to be a violation of taking without Just Compensation.

Locricchio is an expert in over 1000 cases of taking of personal property requiring Jury determined Just Compensation which has not been made in violation of United States Supreme Court rulings approving Hawaii condemnation law of only allowing jury determined Just Compensation and payment thereof as was approved by U.S. Supreme Court in present ruling. That Hawaii law of condemnation of personal property is to be a proven criminal act under R.I.C.O. as no Just Compensation has been proffered and/or paid by State under Cottrell plot. More problems will be found.