

From: [Ohana Kayaks](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Re: 7.12.24 Board DECISION MEETING J-1
Date: Thursday, July 11, 2024 11:15:41 AM

On Thu, Jul 11, 2024, 11:13 AM Ohana Kayaks <ohanakayaks@gmail.com> wrote:

Aloha Board Members and all,

In the j-1 meeting 4/26/24 I implied I wanted a contested hearing although I did not ask specifically for a contested hearing, I asked for more time and continuance as well, as that I needed legal counsel because I did not understand how these proceedings work.

- I called BLNR asking what I needed to do for an appeal/contested hearing right to fair trial on April 26 that day and they told me how to pull the template file online and the time frame to submit it within 10 days.
- I asked if I needed to go back to request one orally that day they said no need.
- I did not hear mention of the need to ask for a contested hearing if so I would have asked for a CCH instead of a continuance and more time to seek legal counsel. At the beginning of the meeting I was more concerned about seating for other elders and not interrupting the camera so I did not hear I was not well I had so much stress with anxiety, that I was unable to comprehend and respond adequately, I was unable to fairly represent myself. I have anxiety when speaking.
- As stated in the meeting I just had the week to prepare and had no understanding of what I was to do. I did not have enough time or any experience in these matters. I did not have time to get a lawyer, although I did talk to a criminal lawyer it is not the same as a civil lawyer and a criminal lawyer could not represent me in this kind of matter. I was unable to get a civil lawyer in less than a week.

I sought out civil lawyers, I came across one that could not represent me on 4/26/24 but could possibly later if needed. If I do not get my right to a fair trial contested hearing, it would be pointless to hire a lawyer for no reason. Unless I plan to sue for rights violated?

I seeked out what to do after the j-1 session onsite, I talked to **Candace at BLNR**

on the phone on April 26th she said the time frame in which I had to submit a written contested hearing which I did within the allotted 10 days. I have a phone record of that.

Further evidence of not guilty alleged violations

- I was told by DOBOR Bruce Swartz I was not required to have a commercial use permit
- I was permitted by DPP city and county of Honolulu to do Kayak rental business from my home address which I was inspected 3x and permitted
- To my understanding, I was not violating anything the Cease desist letter stated. I asked for clarification for example what I violated when I asked and emailed they could give me no example of what I had done to violate the law. I asked if they had jurisdiction out of the water now, and they stated they didn't have jurisdiction out of the water.
- Ohana Kayak Rentals paid GE tax and is a licensed registered name place type of business through the state of Hawaii
- I went to DOBOR DLNR office at Sand Island to clarify criminal citations from Officer Thompson. They were not relevant to any crime committed and were dismissed. Citation 200-39 (c) and har 13-256-39(a) which I could not find but had to do with registering boats for CUP holders
- Also, only one citation was relevant(the one about advertising alleged) to the current BLNR DOBAR charges fines I'm now facing. The other citation was for no registration stickers which was irrelevant to kayak rental shops without CUP that don't operate in state waters.
- **200-39 (c)** People are renting kayaks from other businesses to take to Kaneohe Bay regardless of not having a CUP. They are not getting educated and are walking all over the reefs and reef islands like the local fishermen do without regard or responsibility-priveledge-to-protect- and-respect/ kuleana to take care/malama the aina the reef which is more important than most people

understand. The reason I mention channels and barrier reefs and reef islands in Kaneohe Bay is not for reason of profit as an advertisement it's meant to protect the reefs which are more important and need to be educated better not condemned as an advertisement which should be a right to free speech.

- No further answers were provided to my questions in person at DOBOR Bruce the district Manager stated he did not wish to further answer my questions.
- New fines stated to BLNR from DOBOR to find me 35k for other regulations not ever previously stated in cease desist order and citations or at any point. So how was I given time to respond to unknown fines never stated previously to April 20th? As well I never got an explanation or understanding on how I was violating any of it. If I got an explanation and an example I could have corrected it.

DOBOR stated they had no jurisdiction out of water on several occasions pertaining to my business that was not operating in state waters as stated cease desist letter and after the cease desist letter. DOBOR stated No jurisdiction in a call to cease desist letter, no jurisdiction in Kahaluu neighborhood board meetings, and no jurisdiction prior to starting business. Complainants were told what I was doing was legal I was told what I was doing was legal by DPP DOBAR and the state certified me to run a kayak business from home.

DPP city county Honolulu also has permitted my business before cease desist letter and after.

- Via any accessible path or road from my house to the shoreline is more than 1500 feet away

200 39 I would not consider pick up from my garage would be considered preposition of hire or delivery for kayaks. It's not like setting up near the beach for hire. Also never stated previously to April 2024 fines

This was a Witch Trial, not a fair trial. It was based on defamation false accusations, false testimonies, and false police reports.

- 200-39 c My rights to share information have been violated by this government. by law government can not take away freedom to speak opinions and share factual information via social media or whatever. My freedom of speech was considered a prosecutable crime criminally and civilly

for advertisement of mention of Kaneohe Bay in reviews according to Thompson. which does not fall out of the protections of the **First Amendment**. I was fined and charged without proof as well. I was not even advertising Kaneohe Bay kayak rentals like other shops that do and did without CUP per new 7/2023 law 1134. Factual statements advertisement of kayaks Kaneohe Bay before passing of new revisions saying you can't advertise 1134 should not be considered. Prior advertisement to law passing is difficult to scrub from the internet. I don't even have access to Yelp since my phone changed. I never paid for adds or modes of advertisement ever.

- I was fine for renting holidays and Sundays Never stated prior to BLNR hearing j-1. I was aware business in water can not do business in water, But I was not a business in water. Several times, I have kayaked in Kaneohe Bay with friends for no charge and allowed many people to kayak for no charge. I go to church Sunday 9-2 as well I don't rent past 2pm and I spend time with my family and friends holidays stated as well) anyone allowed to take kayak/s from me was provided ample instruction needed.
- All fines are subject to the right to a fair trial, to limit abuse by government and state authorities ensuring the system is fair equal and just to eliminate the discrimination and bias, embedded in the misuse of state power.