

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

June 12, 2026

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

Subject: Request for Administrative Fines and Penalties against Brandon K. Carvalho, Kaipo J. Botelho-Matthey, and Keaupililani J. Solomon-Lewis for Take of 4,068 'Opihi from within the Ka'ūpūlehu Marine Reserve, in violation of Hawaii Administrative Rules § 13-60.4-5(d)(1), on September 18, 2025.

Summary: This submittal requests that the Board:

- 1) Find that Brandon K. Carvalho, Kaipo J. Botelho-Matthey, and Keaupililani J. Solomon-Lewis violated HAR §13-60.4-5(d)(1) by taking 4,068 'opihi total from the Ka'ūpūlehu Marine Reserve (each possessed 1,356 'opihi); and
- 2) Impose the proposed administrative penalty of \$46,186.23 upon Brandon K. Carvalho, Kaipo J. Botelho-Matthey, and Keaupililani J. Solomon-Lewis collectively (\$15,395.41 attributed to each Respondent).

Date of Incident: September 18, 2025

Against: Brandon K. Carvalho
Kaipo J. Botelho-Matthey
Keaupililani J. Solomon-Lewis

Location of Incident: Ka'ūpūlehu Marine Reserve (KMR), Kalaemanō—North Kona, Hawai'i Island.

I. INTRODUCTION

On September 18, 2025, Department of Land and Natural Resources (DLNR) Division of Conservation and Resources Enforcement (DOCARE) officers responded to a Makai Watch¹ report of suspected unlawful collection of ‘opihi inside the Ka‘ūpūlehu Marine Reserve (KMR). A community member witnessed a yellow-hulled vessel idling within the KMR boundaries while three men carried large bags full of what appeared to be ‘opihi along the shoreline. KMR is a no-take reserve for a 10-year period (established 2016), wherein the take and possession of aquatic life and the use of most fishing gear is prohibited. DOCARE officers tracked the alleged violators from KMR to the Kawaihae Small Boat Harbor. Brandon K. Carvalho, Kaipo J. Botelho-Matthey, and Keaupililani J. Solomon-Lewis were aboard the vessel and had 4,068 ‘opihi in their possession.

II. FACTUAL BACKGROUND

A. Ka‘ūpūlehu Marine Reserve (KMR), Island of Hawaii

The Ka‘ūpūlehu Marine Reserve (KMR) was established in 2016 through amendments to Hawai‘i Administrative Rules governing the West Hawai‘i Regional Fishery Management Area, converting the former Ka‘ūpūlehu Fish Replenishment Area into a marine reserve with a temporary closure on nearshore harvesting. This regulatory action implemented the community-driven “Try Wait” period—a 10-year rest period prohibiting most nearshore fishing from Kīkaua Point to Kalaemanō, from the shoreline to approximately 20 fathoms—to allow depleted reef resources to recover. The “Try Wait” initiative originated as a grassroots effort led by local families, kūpuna, and fishers, and was ultimately formalized through state rulemaking rather than remaining purely voluntary. The reserve reflects a co-management framework integrating statutory authority under Hawaii Revised Statutes (HRS) Chapter 187A with administrative authority in Hawaii Administrative Rules (HAR) Chapter 13-60.4, alongside customary and traditional practices aimed at restoring ecological abundance and ensuring the long-term sustainability of subsistence fisheries.

The Ka‘ūpūlehu coastline consists of a rugged lava shoreline, limited sandy beaches, and fringing coral reef ecosystems that support nearshore fisheries historically relied upon for subsistence and cultural practices. The area remains culturally significant for its long-standing association with Native Hawaiian fishing practices, ‘ike kūpuna, and stewardship concepts such as kapu and mālama ‘āina.

B. The September 18, 2025 Ka‘ūpūlehu Opihi Poaching Incident

On September 18, 2025, at approximately 9:22am, DOCARE officers on Hawaii Island received a report that three individuals had disembarked from a vessel and were unlawfully harvesting ‘opihi along the shoreline within the KMR. The KMR is a designated no-take marine reserve extending from the shoreline seaward to the 20-

¹ Makai Watch is a Hawai‘i-based community volunteer program that helps monitor and protect coastal and marine resources.

fathom depth contour, established as a ten-year prohibition on the taking of marine life, scheduled to remain in effect through 2026. Three DOCARE officers proceeded to the area known as Kalaemanō, located approximately 100 yards south of the reserve's northern boundary, to investigate the alleged violations.²

At about 10:08am, DOCARE Officer 1 observed a small yellow-hulled motorboat positioned offshore, outside the reserve boundaries. Shortly thereafter, the vessel began traveling north. While surveying the shoreline with binoculars, Officer 1 identified a single individual near shore and made contact. The individual, who identified herself as the reporting party, provided a detailed account of events earlier that morning. She reported observing the same yellow vessel within the KMR at approximately 8:50am and further observed three men traversing the rocky shoreline from within the protected area, each carrying bags visibly filled with 'opihi. The individuals exited the reserve through the clearly marked northern boundary, where regulatory signage is prominently posted. The reporting party provided DOCARE with descriptions and photographs of the men she observed harvesting opihi within the KMR.

At about 11:30am, DOCARE Officer 2 observed the yellow vessel stop offshore of the Hilton Waikaloa Resort and using binoculars, saw there were 4 males on board. DOCARE Officer 2 used the descriptions and photographs from the reporting party and confirmed these males on the vessel were the same ones that were within the KMR. The officer observed 2 of the males jump into the water with spearfishing gear while the 2 others remained on board. At about 1:10pm, the 2 spearfishermen re-boarded the vessel.³

DOCARE officers surveilled the suspect vessel as it traveled north along the coastline, eventually docking at 2:16pm at the Kawaihae Small Boat Harbor. DOCARE officers approached and identified three of the individuals associated with the earlier reported activity: Brandon Carvalho (CARVALHO), Ke'au'pililani Solomon-Lewis, Jr.(SOLOMON-LEWIS), and Kaipō Botelho-Matthey (BOTEHLO-MATTHEY).⁴

DOCARE officers conducted a catch inspection at about 2:35pm, which revealed a substantial quantity of marine life aboard the vessel, including a red cooler containing legal-size reef fish, one tako (octopus), one ono (wahoo), and a total of 4,068 'opihi. As no individual assumed sole responsibility for the 'opihi, the total was apportioned equally among CARVALHO, SOLOMON-LEWIS, and BOTEHLO-MATTHEY, resulting in 1,356 'opihi attributed to each individual.

The volume of harvested 'opihi, taken from within a designated no-take marine reserve, underscores the significant scale of the unlawful activity observed in this matter.

² See **Exhibit A** - DOCARE Report HA-25-01043, at 17. For purposes of this submittal, DOCARE officers are identified by numerical designations in lieu of their proper names.

³ Id. at 46

⁴ A fourth individual, Toby Carvalho, was identified as the captain of the vessel. However, because DOCARE officers only cited Toby Carvalho with Division of Boating and Ocean Recreation (DOBOR) infractions, this submittal will only focus on individuals who committed DAR violations.

Following an advisement of rights, CARVALHO and BOTHELO-MATTHEY provided voluntary statements to DOCARE. CARVALHO acknowledged that the group had gone out to gather fish and 'opihi for family celebrations. CARVALHO admitted awareness of the KMR's general location but claimed a mistaken belief that the ten-year prohibition had expired. He further stated that the group was transported by vessel into the KMR and did not observe posted boundary signage until exiting the area and after gathering the 'opihi. BOTHELO-MATTHEY acknowledged that he had entered the no-take zone, harvested 'opihi within its boundaries, and later exited northbound, passing the reporting party along the shoreline. He further confirmed that the group rejoined the vessel offshore by swimming out to it, then stopping outside the Hilton Waikaloa Resort to dive and spearfish. SOLOMON-LEWIS invoked his right to counsel and declined to provide a statement.⁵

Based on the foregoing, DOCARE officers determined that the CARVALHO, BOTHELO-MATTHEY, and SOLOMON-LEWIS had engaged in the unlawful taking of marine life within the KMR. This incident was not only a violation of established conservation rules, but also a disruption of the ecological protections carefully implemented to restore and sustain marine resources within the KMR.

C. Evidence and Criminal Citations

DOCARE officers documented a red cooler containing legal reef fish, one ono, and one tako, along with four mesh bags containing a total of 4,068 'opihi. DOCARE officers also documented two butter knives that had been adapted for the purpose of taking opihi, and attributed these to CARVALHO and BOTHELO-MATTHEY. Because none of the Respondents took ownership for any specific bag of opihi, DOCARE split responsibility evenly: 1,356 'opihi each to CARVALHO, BOTHELO-MATTHEY, AND SOLOMON-LEWIS.

Accordingly, DOCARE cited CARVALHO,⁶ SOLOMON-LEWIS,⁷ and BOTHELO-MATTHEY⁸ for violations of HAR § 13-60.4-5(d)(1)-(4).

All three were given a court date of November 6, 2025 at the Kona District Court where the County of Hawai'i's Prosecuting Attorney's Office dismissed all counts with prejudice because they mistakenly thought there were no available criminal penalties for the violations. This was a learning opportunity for all involved and now there are clear lines of communication between that office, DOCARE, DLNR's legal fellows, and the Department of the Attorney General's Land Division.

⁵ See Note 2, at 20 and 47

⁶ Citation #3083622LNR

⁷ Citation #3083062LNR

⁸ Citation #3041121LNR

All of the ‘opihi were recovered and given to the Vice President of the Ka‘ūpūlehu Marine Life Advisory Committee, who ensured the return of all ‘opihi to their rightful places to maximize their chances of survival.

III. LEGAL AUTHORITY FOR ADMINISTRATIVE ENFORCEMENT

A. Within the KMR Boundaries, the Take or Possession of Marine Life, along with the Possession or Use of Fishing Gear, is Regulated by Hawaii Administrative Rules (HAR) Chapter 13, Section 60.4-5(d)

Under HAR §13-60.4-5(d)(1), while within the KMR, no person may “[t]ake or attempt to take any specimen of aquatic life...”⁹

This subsection focuses on the act of fishing, catching, harvesting, or any such attempt, of aquatic life.

Under HAR §13-60.4-5(d)(2), while within the KMR, no person may “[p]ossess any specimen of marine life other than the species listed in [HAR §13-60.4-5(d)(1)].”¹⁰

This subsection focuses on the possession of certain marine life. This is a good enforcement tool if the take (act of fishing, catching, harvesting, or any such attempt, of aquatic life) is not observed by law enforcement, but a person is found to be in possession of certain marine life in the KMR.

Under HAR §13-60.4-5(d)(3), while within the KMR, no person may “[p]ossess or use any fishing gear other than hook-and-line or kona crab nets or both;”

This subsection focuses on a person’s possession and use of fishing gear, other than the two gear-types specifically listed, in the KMR.

Under HAR §13-60.4-5(d)(4), while within the KMR, no person may “[d]eploy any fishing gear (including hook-and-line or kona crab nets) shoreward of the twenty fathom (120 feet) depth contour.”

This subsection focuses on the deployment, or placing of the gear in whole or in part, of fishing gear into the water.

"Aquatic life" means any type or species of mammal, fish, amphibian, reptile, *mollusk*, crustacean, arthropod, *invertebrate*, coral, or other animal that inhabits the freshwater or marine environment and includes any part, product, egg, or offspring thereof; or freshwater or marine plants, including seeds, roots, products, and other parts thereof.¹¹ (emphasis added)

⁹ HAR §13-60.4-5(d)(1) continues by clarifying that the take of certain marine life is allowed by hook-and-line seaward of the twenty fathom (120) feet depth contour. The ‘opihi taken in this incident occurred shoreward of the twenty fathom depth contour, so the exceptions to this rule are inapplicable.

¹⁰ Note that ‘opihi is not a species listed in HAR §13-60.4-5(d)(1).

¹¹ HAR §13-60.4-3

“Fishing gear” means “any net, spear, rod, reel, hook-and-line, slurp gun, or *any other equipment or gear adapted, designed, or commonly used to take or capture aquatic life.*”¹² (emphasis added)

“Deploy” means “to place the specified gear in the water, in whole or in part.”¹³

“Take” means to fish for, catch, or harvest, or to attempt to fish for, catch, or harvest, aquatic life. The use of any gear, equipment, tool, or any means to fish for, catch, capture, harvest, or attempt to fish for, catch, capture, or harvest, aquatic life by any person who is in the water, or in a vessel on the water, or in the shoreline area where aquatic life can be fished for, caught, or harvested, shall be construed as taking.

B. Penalties Authorized for Violations of HAR §60.4-5(d)

There are criminal¹⁴ and administrative penalties for a violation of HAR §60.4-5(d), with administrative penalties provided in HRS §187A-12.5. The Board is authorized to impose administrative penalties for a violation of HAR §60.4-5(d).

The administrative penalties for a violation of HAR §60.4-5(d) are outlined in HRS § 187A-12.5(c) as follows:

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

HRS § 187A-12.5(e) provides that “[i]n addition to subsection (c), a fine of up to \$1,000 may be levied for each specimen of all other aquatic life taken, killed, or injured in violation of subtitle 5 of title 12 or any rule adopted thereunder” (emphasis added). The definition of “aquatic life” includes ‘opihi. See HRS § 187A-1 and HAR §13-60.4-3.

IV. APPLICATION OF LAW AND RECOMMENDED FINE

On September 18, 2025, the DOCARE officers recovered 4,068 specimens of ‘opihi that were taken from within the KMR boundaries and were possessed by CARVALHO, BOTEHLO-MATTHEY, and SOLOMON-LEWIS. ‘Opihi is a marine invertebrate belonging to the Mollusk family and is therefore considered “aquatic life.”

BOTHELO-MATTHEY and CARVALHO admitted that the three men took the ‘opihi from within the KMR. The reporting parties’ statement and photographs also demonstrate that the ‘opihi was taken from within the KMR. Therefore, the elements of HAR § 13-

¹² Id.

¹³ Id.

¹⁴ Even if the criminal court had imposed penalties, the imposition of any criminal penalties does not preclude the Board to recover additional administrative fines, fees, and costs. HRS § 187A-12.5.

60.4-5(d)(1) have been established and can be proven by a preponderance of the evidence against all three men.

Although the elements of HAR §13-60.4-5(d)(2) are also established and can likely be proven by a preponderance of the evidence, DAR finds that it may be overly punitive to impose administrative penalties for the possession of the 'opihi that they are already being fined for taking. DAR recommends not imposing administrative fines for the possession offense for this reason.

The officers also recovered two butter knives with handles wrapped in black tape, allegedly used to extract or "pry" the 'opihi off of the rocks. Because the wrapped butter knives are "gear adapted, designed, or commonly used to take aquatic life" ('opihi) DAR considers these items to be "fishing gear." DOCARE logged the butter knives as the possessions of CARVALHO and BOTEHLO-MATTHEY. Although the elements of HAR § 13-60.4-5(d)(3) have been established and can be proven by a preponderance of the evidence against these two men, DAR recommends against imposing additional administrative fines for the gear possession offense, as DAR considers the administrative penalties for the violation of HAR § 13-60.4-5(d)(1), together with the associated per-specimen penalties, to be sufficient.

Although the elements of HAR § 13-60.4-5(d)(4) may also be established and can likely be proven by a preponderance of the evidence, DAR recommends against imposing additional administrative fines for the gear deployment offense, as DAR considers the administrative penalties for the violation of HAR § 13-60.4-5(d)(1), together with the associated per-specimen penalties, to be sufficient.

A. Maximum Fines for the HAR Violations Should be Imposed.

HAR § 13-60-4.8 indicates that administrative penalties for violation of HAR Title 13, Chapter 60.4 shall be as provided in HRS § 187A-12.5.

HRS § 187A-12.5(c) authorizes an administrative fine of up to \$1,000 for a first-time violation of each of the HAR §13-60.4-5(d) subsections. Due to the sensitive and closed location where this incident occurred (as further discussed below), DAR recommends that the Board impose the maximum fine of \$1,000 for violation of HAR § 13-60.4-5(d)(1) against CARVALHO, BOTEHLO-MATTHEY, and SOLOMON-LEWIS, as applicable.

CARVALHO, BOTEHLO-MATTHEY, and SOLOMON-LEWIS are therefore subject to a fine of \$1,000 each for the violations alone.

B. Per Specimen Fines Should be Imposed.

HRS § 187A-12.5(c) further authorizes up to an additional \$1,000 fine for each specimen of aquatic life taken, killed, or injured. DAR requests that the Board impose a \$10 fine for each specimen of 'opihi taken in violation of HAR §13-60.4-5(d)(1).

CARVALHO, BOTELHO-MATTHEY, and SOLOMON-LEWIS were in possession of 4,068 'opihi cumulatively. Whether the Board were to divide the 4,068 by three to determine that each were in possession of 1,356 'opihi or if the Board were to impose the penalties against all three jointly and severally, the penalty amount would be the same. As all three participated in taking the 'opihi and likely did not know how many each individual person took as they were all placed into bags, DAR recommends equally apportioning the 4,068 'opihi between CARVALHO, BOTELHO-MATTHEY, and SOLOMON-LEWIS, resulting in 1,356 'opihi each. The resulting recommended fine for this apportionment would be a fine of \$13,560 for each Respondent (1,356 'opihi x \$10).

For reference, if the Board chooses to impose the maximum fines for the per specimen violations, the maximum fine for each Respondent would be \$1,356,000 (1,356 x \$1,000). If these violations were brought through the Civil Resource Violation System (CRVS), which treat unlawful extractive activities as a Category 4 violation with standardized \$200 fines, the fine for each Respondent for the per specimen violations would be \$271,200 (1,356 x \$200).

C. Justification and Factors to be Considered in Assessing Recommended Fines

The Board has broad discretion in assessing administrative fines for a natural resource violation. Some of the factors that the Board may take into consideration include the value of the resource damaged, costs for the State to investigate and process the violation, level of damages to the public for whom the State holds a public trust of the resource involved, extent of the respondent's cooperation, and voluntary actions taken by the respondent to mitigate or avoid damages.¹⁵

As mentioned earlier, the KMR was created as part of the community-led "Try Wait" initiative, which sought to temporarily prohibit most forms of nearshore harvesting in order to allow depleted marine resources time to recover and replenish. Scientific studies and observations from kūpuna and longtime residents showed significant reductions in reef fish abundance, biodiversity, and coral cover over the decades before the establishment of the KMR. Since the establishment of the KMR, community members, scientists, and DAR have observed measurable improvements in marine life abundance and reef conditions within the protected area, underscoring the importance and effectiveness of the KMR administrative rules.

The market price of 'opihi fluctuates dramatically based on season, weather, island, and harvesting pressure. Historical and current retail market data show that 'opihi is among

¹⁵ See HAR §13-1-70

the most expensive locally harvested seafood products in Hawai'i, by weight, due to its scarcity, harvesting danger, and cultural importance.¹⁶

1. *Costs of the DOCARE Investigation and DAR's Administrative Enforcement Action*

DAR staff spent a total of 22 hours responding to this incident, assisting DOCARE staff, and preparing the submittal for a total cost of **\$1,224.52**. DOCARE staff spent a total of 32 hours responding to and investigating this incident for a total cost of **\$966.72**. DOCARE's operational cost for vehicle fuel was **\$315.00**. The total value of this staff time and administrative costs was therefore estimated as **\$2,506.24**, as shown in **Table 1**, below.

Table 1. Staff time and costs for the response and investigation.

	Unit	Rate	Total
DAR Staff	22 hours	\$55.66/hour	\$1,224.52
DOCARE Staff	32 hours	\$30.21/hour ¹⁷	\$966.72
DOCARE Vehicle Fuel Cost	450 miles	\$0.70/mile	\$315.00
Total			<u>\$2,506.24</u>

Accordingly, the total administrative cost incurred by the Department in investigating and processing this incident was **\$2,506.24**. DAR recommends apportioning this cost equally among CARVALHO, BOTELHO-MATTHEY, and SOLOMON-LEWIS for a total of **\$835.41** per Respondent.

2. *Respondent's Cooperation and Voluntary Mitigative Actions*

The DLNR is unaware of any voluntary mitigative actions taken by Respondents related to this incident. DLNR acknowledges that Respondents cooperated with DOCARE officers' investigation. DLNR acknowledges that the 4,068 'opihi were returned to the KMR many hours after being harvested, but their survivorship rate is unknown.

C. **Recommended Fines and Costs**

Based on the foregoing considerations, DAR recommends the Board impose fines for the violation of HAR § 13-60.4-5(d)(1) against **CARVALHO, BOTELHO-MATTHEY, and SOLOMON-LEWIS** in the amount of **\$1,000 each; \$13,560 each** for the value of

¹⁶ The referenced high price is reflected in "shelled" 'opihi (i.e. 'opihi meat only – not including the shell).

¹⁷ This DOCARE staff payrate is an average of the individual officers' payrate and the Supervisor payrate. A detailed accounting of the Officers' and Supervisors' payrate and hours is available upon request.

the resource (\$10 x 1,356 'opihi); and administrative costs in the amount of **\$835.41** per Respondent for a total assessment of **\$15,395.41** per Respondent, as shown in **Table 2**, below.

Table 2. Summary of fines and costs (per Respondent)

Category of Fines and Costs	Amount Recommended
Violations	\$1,000.00
Resource Value	\$13,560.00
Administrative Costs	\$835.41
TOTAL	\$15,395.41

V. FINDINGS

Based on the foregoing information and the attachments hereto, DAR concludes and requests the Board find the following:

1. That on September 18, 2025, Brandon K. Carvalho, Kaipo J. Botelho-Matthey, and Keaupililani J. Solomon-Lewis engaged in the act of taking 'opihi by catching, harvesting, and removing 'opihi from the Ka'upulehu Marine Reserve, in violation of HAR § 13-60.4-5(d)(1);
2. That on September 18, 2025, Brandon K. Carvalho, Kaipo J. Botelho-Matthey, and Keaupililani J. Solomon-Lewis collectively harvested 4,068 'opihi from the Ka'upulehu Marine Reserve;
3. That Brandon K. Carvalho, Kaipo J. Botelho-Matthey, and Keaupililani J. Solomon-Lewis are responsible for the take of 1,356 'opihi each;
4. That Brandon K. Carvalho, Kaipo J. Botelho-Matthey, and Keaupililani J. Solomon-Lewis' actions within the Ka'upulehu Marine Reserve on September 18, 2025, were not authorized by the Board or Department; and
5. That DOCARE staff expended \$966.72 in administrative costs and \$315.00 in vehicle fuel in responding to the above-described violations, and DAR staff expended \$1,224.52 in administrative costs in administratively enforcing the above-described violation, for a total of \$2,506.24 in DLNR administrative costs.

AS SUCH, STAFF MAKES THE FOLLOWING RECOMMENDATIONS:

That the Board adopt the findings and conclusions set forth above and order the following:

- A. Brandon K. Carvalho is fined a total of \$15,395.41 in administrative fines:
 - i. Pursuant to HRS § 187A-12.5(c)(1), Brandon K. Carvalho is fined \$1,000 for violating the provisions of HAR § 13-60.4-5(d)(1) on September 18, 2025;
 - ii. Pursuant to HRS § 187A-12.5(e)(1), Brandon K. Carvalho is fined \$10 for each 'opihi taken from the Ka'ūpūlehu Marine Reserve on September 18, 2025, for a total of \$13,560; and
 - iii. Pursuant to HRS § 187A-12.5(a), Brandon K. Carvalho is subject to \$835.41 in administrative fees and costs.
- B. Kaipo J. Botelho-Matthey is fined a total of \$15,395.41 in administrative fines:
 - i. Pursuant to HRS § 187A-12.5(c)(1), Kaipo J. Botelho-Matthey is fined \$1,000 for violating the provisions of HAR § 13-60.4-5(d)(1) on September 18, 2025;
 - ii. Pursuant to HRS § 187A-12.5(e)(1), Kaipo J. Botelho-Matthey is fined \$10 for each 'opihi taken from the Ka'ūpūlehu Marine Reserve on September 18, 2025, for a total of \$13,560; and
 - iii. Pursuant to HRS § 187A-12.5(a), Kaipo J. Botelho-Matthey is subject to \$835.41 in administrative fees and costs.
- C. Keaupililani J. Solomon-Lewis is fined a total of \$15,395.41 in administrative fines:
 - i. Pursuant to HRS § 187A-12.5(c)(1), Keaupililani J. Solomon-Lewis is fined \$1,000 for violating the provisions of HAR § 13-60.4-5(d)(1) on September 18, 2025;
 - ii. Pursuant to HRS § 187A-12.5(e)(1), Keaupililani J. Solomon-Lewis is fined \$10 for each 'opihi taken from the Ka'ūpūlehu Marine Reserve on September 18, 2025, for a total of \$13,560; and
 - iii. Pursuant to HRS § 187A-12.5(a), Keaupililani J. Solomon-Lewis is subject to \$835.41 in administrative fees and costs.
- D. That the Board delegate to the Chairperson or her designee its authority to execute all necessary documents to carry out its recommendations under this submittal;
- E. All recommendations above and terms of the fine or any payment plan shall be subject to review and approval by the Department of the Attorney General; and
- F. In the event that Brandon K. Carvalho, Kaipo J. Botelho-Matthey, and Keaupililani J. Solomon-Lewis fail to comply with any order herein, this matter

shall be turned over to the Department of the Attorney General for disposition, including all administrative costs and attorney's fees incurred in such an effort.

Respectfully Submitted,



Brian Neilson, Administrator
Division of Aquatic Resources

APPROVED FOR SUBMITTAL:



Dawn Chang, Chairperson
Department of Land and Natural Resources

Attachments:

Exhibit A - DOCARE Investigation Report (Redacted) – HA-25-01043

**EXHIBIT A –
DOCARE INVESTIGATION REPORT
HA-25-01043**



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

Log Number HA-25-01043	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

Investigation Report

Fishing Hunting Boating Drug Rel. Forestry NOAA JEA Land - OCCL CWRM Historic State Parks KAIC Other

BASIC

Classification 13-60.4-5(d)(4) DEPLOY ANY FISHING GEAR SHOREWARD OF THE TWENTY FATHOM	Source PHONE PHONE
Location of Incident / Intersecting Street KAUPULEHU SHORELINE KAILUA KONA HI 96740 X-Street:	Island HAWAII Branch HAWAII
Category MARLCD MARINE LIFE CONSERVATION DISTRICT	Weather CLEAR CLEAR
Date / Time Occurred From 9/18/2025 0922	Date / Time Occurred to 9/18/2025 1740

WEAPONS USED:

INVOLVED VEHICLES

Type	Vessel/Boat	Year	Make	Model	Color	License / HA Number	Length	Involvement	SUSPV
BOAT		2001	0		YEL		16	SUSPECT VEHICLE	

Person/Vehicle Involvement

OWN/OP CARVALHO, TOBY	OWN/OP	
PASS CARVALHO, BRANDON	PASS	
PASS BOTEHLO-MATTHEY, KAIPO	PASS	
PASS SOLOMON-LEWIS, KEAUPILANI	PASS	

INVOLVED VESSELS / BOATS

U.S.C.G. Number [REDACTED]	Vessel Name NONE	Use PL	Length 16	Beam	Weight	Involvement Code SUSPV
Propulsion OB	Engine Type OP	Number of Engines 1	Hull Type FI	Draft Forward	Aft	Registration Number [REDACTED]
						State HI

PERSONS

Name (Last, First, Middle) CARVALHO, TOBY J	Juvenile <input type="checkbox"/>	Sex	Race	Age	Date of Birth
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Address
[REDACTED]

Category CITED	CODE: CIT	Home Phone [REDACTED]	Other Phone
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Name (Last, First, Middle) CARVALHO, BRANDON	Juvenile <input type="checkbox"/>	Sex	Race	Age	Date of Birth
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Address
[REDACTED]

Category CITED	CODE: CIT	Home Phone [REDACTED]	Other Phone
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Name (Last, First, Middle) BOTHELO-MATTHEY, KAIPO J	Juvenile <input type="checkbox"/>	Sex	Race	Age	Date of Birth
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Address
[REDACTED]

Category CITED	CODE: CIT	Home Phone [REDACTED]	Other Phone
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Written By: **WOODS, KELLY A** *[Signature]*
10/05/2025

Approved By: *[Signature]*



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

Log Number HA-25-01043	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

PERSONS

Name (Last, First, Middle) SOLOMON-LEWIS, KEAUPILILANI J JR	Juvenile <input type="checkbox"/>	Sex	Race	Age	Date of Birth
Address [REDACTED]					
Category CITED	CODE: CIT	Home Phone	Other Phone		

Name (Last, First, Middle) DUMAGUIN, JANINE K	Juvenile <input type="checkbox"/>	Sex	Race	Age	Date of Birth
Address [REDACTED]					
Category COMPLAINANT	CODE: COMP	Home Phone	Other Phone		

Name KAUPULEHU KALAEMANO		
Category LOCATION OF CRIMINAL ACT	Business Address	
Phone 1	Phone 2	Phone 3

SYNOPSIS

Narrative Created By / Created On WOODS, KELLY A <i>[Signature]</i> #202 10/05/2025	Approved By / On <i>[Signature]</i>
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SYNOPSIS

On 09-18-2025, at approximately 1500 hours, while in the State and County of Hawai'i at Kawaihae Small Boat Harbor, DOCARE enforcement officers cited Brandon CARVALHO, Kaipō BOTEHLO-MATTHEY, and Keaupililani SOLOMON-LEWIS for violations committed within the Ka'upulehu Marine Reserve. The individuals were issued citations 3083622LNR, 3041121LNR, and 3083062LNR for each violating the following: 1,356 counts of HAR 13-60.4-5(d)(1): KA'UPULEHU NO TAKE, 1 count of HAR 13-60.4-5(d)(2): KA'UPULEHU POSSESS LIFE, 1 count of HAR 13-60.4-5(d)(3): KA'UPULEHU FISHING GEAR and 1 count of HAR 13-60.4-5(d)(4): DEPLOY FISHING GEAR. These violations occurred after the subjects took a vessel into the Ka'upulehu Marine Reserve, went ashore, and unlawfully collected a total of 4,068 'opihi.

The vessel's captain, Toby CARVALHO, was issued citation 3083621LNR for separate violations involving the operation of the suspect vessel [REDACTED]. He was cited for 2 counts of HAR 13-243-1(a) (Required Equipment), 1 count of HAR 13-241-8 (Certificate of Number), and 1 count of HAR 13-241-12 (New Owner Title). These citations were issued after it was determined that the vessel was being operated with 2 fewer life jackets than required, without a current registration on board, and with the title not properly transferred into his name.

INV. CONTINUING

ARREST / CITATION / WARNING INFORMATION

Written By: WOODS, KELLY A <i>[Signature]</i> #202 10/05/2025	Approved By: <i>[Signature]</i>	PAGE 2
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State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-01043	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

ARREST / CITATION / WARNING INFORMATION

Arrest Date 09/18/2025	Person Arrested (Last Name, First, Middle) CARVALHO BRANDON	Juvenile <input type="checkbox"/>
Ticket / Complaint Number 3083622	Tracking Number	Arrest Disposition CITATION
Primary Charge 13-60.4-5(d)(1) TAKE OR ATTEMPT TO TAKE ANY SPECIMEN OF AQUATIC LIFE UNLESS		Count(s) 1356
Arresting Officer 1 WOODKA WOODS, KELLY A	Arresting Officer 2 ESTADJ ESTEBAN J.K. DUSTAN	Blood / Alcohol <input type="checkbox"/>
		Arrest <input type="checkbox"/>
		Summons <input type="checkbox"/>

Secondary Charge(s)

Charge	Count(s)	Description
13-60.4-5(d)(2)	1	POSSESS ANY SPECIMEN OF MARINE LIFE OT
13-60.4-5(d)(3)	1	POSSESS OR USE ANY FISHING GEAR OTHER
13-60.4-5(d)(4)	1	DEPLOY ANY FISHING GEAR SHOREWARD OF

RESPONDING / INVOLVED UNITS, OFFICERS, AND TIMES

Division	Supervisor	ELVED	
HAWA	Elvenia, Daniel L		
Unit Number	Officer / ID (Ofcr 1 / Ofcr 2)	Officer / ID (Ofcr 3 / Ofcr 4)	
6-23	WOODS, KELLY A ESTEBAN J.K. DUSTAN	WOODKA ESTADJ	RZEWNICKI, DAVID PILA B. GERARD
			RZEWD PILAGB

Written By: **WOODS, KELLY A** *[Signature]*
10/05/2025

Approved By: *[Signature]*



Log Number HA-25-01043	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

INVESTIGATION

Narrative Created By / Created On WOODS, KELLY A <i>[Signature]</i> #262	Approved By / On 10/05/2025
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ASSIGNMENT/ARRIVAL

On 09-18-2025 at approximately 0922 hours, while at Honokohau Small Boat Harbor, while riding with DOCARE officer Dusty ESTEBAN, he received a phone call reporting that 3 men had gotten off a boat and climbed on to the shoreline of Ka'upulehu Marine Reserve, where they were currently picking 'opihi. DOCARE officer Dusty ESTEBAN, DOCARE officer Dave RZEWNICKI and I decided to investigate this case at this time.

SCENE

The scene of this incident takes place in the State and County of Hawaii, in the North Kona District. The scene is further described to take place at Ka'upulehu Marine Reserve (KMR) at Kalaemanu, approximately 100 yards south of the north KMR boundary line. Refer to map attached to this report showing approximate location of violation.

Ka'upulehu Marine Reserve is a protected area encompassing the shoreline out to the 20-fathom depth contour where any take of marine life has been prohibited for a 10-year period, set to end in 2026.

OFFICER OBSERVATIONS

On 09-18-2025 at approximately 1008 hours, while at Ka'upulehu Marine Reserve, I observed a small, yellow-hull, open motorboat floating stationary outside of KMR, approximately a quarter mile offshore. After approximately 20 minutes the vessel started heading north. Using binoculars, I looked up and down the shoreline, and saw a single person with dark hair and a dark t-shirt standing near the shore. I hiked over to contact the subject.

REPORTING PARTY IDENTIFIED

On 09-18-2025 at approximately 1030 hours, I contacted the subject I had observed on the shoreline. She identified herself as the reporting party from earlier that morning and identified herself verbally as the following:

NAME: Janine DUMAGUIN, K., [REDACTED]
 DOB: [REDACTED]
 SSN: [REDACTED]
 ADDRESS: [REDACTED]
 PHONE: [REDACTED]

REPORTING PARTY STATEMENT

On 09-18-2025 at approximately 1030 hours, DUMAGUIN was contacted. Upon contact she stated that she had observed the yellow hull vessel floating within the marine reserve at approximately 0850 hours. She waved to the captain, who was the only one aboard at the time and he began to drive toward her. As he got close to shore he looked at the RP and then quickly turned the boat around and headed back

Written By: WOODS, KELLY A <i>[Signature]</i> #262	Approved By: <i>[Signature]</i>	PAGE 4
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Log Number HA-25-01043	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

out to sea. DUMAGUIN explained that it seemed he thought she was someone else and then fled when he realized it was a stranger.

At this time DUMAGUIN saw three men hiking across the rocks along the shoreline from the south, well within the reserve, each carrying bags. The men walked right past her, and one even stopped to talk with her about someone named "Aunty Patty with Makali'i". She could see the bags were full of 'opihi. She snapped a photo as they walked past her while still within the reserve. The men exited through the northern boundary where signs are clearly posted notifying the public of the area's regulations.

DUMAGUIN submitted a written statement explaining what she witnessed. Refer to Witness Statement attached to this report for further information.

VESSEL IDENTIFIED

The suspect vessel is described to be a 2001, yellow, Alii Kai open motorboat bearing no name. It has one 60hp outboard engine and bears HA#: [REDACTED] and HIN#: [REDACTED]. Vessel was recently purchased by Toby CARVALHO.

FURTHER OBSERVATIONS

Officer ESTEBAN maintained eyes on the suspect vessel by following it north via patrol vehicle on Queen Ka'ahumanu Hwy. He then drove down Waikoloa Beach drive to continue his observations after he had observed the vessel stop just offshore of the Hilton Waikoloa Resort at approximately 1130 hours. After Officer RZEWNICKI and I finished our interview with the reporting party, we met up with Officer ESTEBAN at the Hilton Waikoloa Resort to observe the vessel. The vessel remained floating approximately 100 yards offshore with fishing poles and two male subjects aboard. Officer ESTEBAN explained that he had seen the other two subjects from the vessel speardiving near the vessel when he had first arrived on scene. At approximately 1305 hours, the vessel rounded a lava rock point to the north, out of view for approximately 7 minutes. When we got eyes on the vessel again, we saw that there were once again 4 male subjects aboard. The vessel then began motoring north towards Kawaihae Harbor. I kept eyes on the vessel from Queen Kaahumanu Hwy as it transited back to Kawaihae Harbor where DOCARE enforcement officer Gerard PILA was stationed.

Officer RZEWNICKI and I met up with Officer PILA at Kawaihae Small Boat Harbor and observed the suspect vessel motoring up to the dock at approximately 1416 hours. We walked down the dock to contact the suspect vessel at this time.

SUSPECT #1 IDENTIFIED

On 09-18-2025 at approximately 1420 hours, while at Kawaihae Small Boat Harbor, one male remained on the vessel after the other three men had climbed on to the finger pier. He was identified by his Hawai'i State Driver's license as the following:

NAME: Brandon CARVALHO K.F.C. [REDACTED]
DOB: [REDACTED]
SSN: XXX-XX [REDACTED]

Written By: **WOODS, KELLY A** [Signature]
10/05/2025

Approved By: [Signature]



Log Number HA-25-01043	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
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ADDRESS: [REDACTED]
 PHONE: [REDACTED]
 ID#: [REDACTED]

SUSPECT #2 IDENTIFIED

On 09-18-2025 at approximately 1424 hours, while at Kawaihae Small Boat Harbor, the Captain of the vessel was identified verbally as the following:

NAME: Toby CARVALHO J., [REDACTED]
 DOB: [REDACTED]
 SSN: XXX-XX-[REDACTED]
 ADDRESS: [REDACTED]
 MAIL: [REDACTED]
 PHONE: [REDACTED]

REPORT OF BOARDING

On 09-18-2025 at approximately 1427 hours, while at Kawaihae Small Boat Harbor a standard safety boarding was conducted upon vessel [REDACTED]. Upon completion of the boarding, the vessel was found to have the following safety violations:

- Equipment Required: Life Jacket (2 counts)
- Certificate Not Onboard
- Title Transfer

Refer to Report of Boarding attached to this report for further information.

CATCH INSPECTION

At approximately 1435 hours, a catch inspection was conducted upon the vessel. Aboard vessel [REDACTED] was a red cooler full of legal-size reef fish, one tako, one unregulated Ono and 4068 'opihi.

Seeing that no single person took responsibility for all 4068 'opihi, the responsibility was split between the 3 men who had collected them; resulting in 1356 'opihi each.

SUSPECT #3 IDENTIFIED

On 09-18-2025 at approximately 1435 hours, while at Kawaihae Small Boat Harbor, Suspect #3 was identified verbally as the following:

NAME: Ke'au'pililani SOLOMON-LEWIS J. Jr., [REDACTED]
 DOB: [REDACTED]
 SSN: XXX-XX-[REDACTED]

Written By: **WOODS, KELLY A**
10/05/2025

[Handwritten Signature] # 262

Approved By: *[Handwritten Signature]*



Log Number HA-25-01043	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CITATION ISSUED	Activity Code Protected Fisheries Resources	

ADDRESS: [REDACTED]
 PHONE: [REDACTED]

SUSPECT #4 IDENTIFIED

On 09-18-2025 at approximately 1440 hours, while at Kawaihae Small Boat Harbor, Suspect #4 was identified verbally as the following:

NAME: Kaipō BOTEHLO-MATTHEY, [REDACTED]
 DOB: [REDACTED]
 SSN: XXX-XX [REDACTED]
 ADDRESS: [REDACTED]
 PHONE: [REDACTED]

SUSPECT #1 ADVICE OF RIGHTS

On 09-18-2025, at approximately 1450 hours, while at Kawaihae Small Boat Harbor, Brandon CARVALHO was advised of his rights as he was read the State of Hawaii Department of Land and Natural Resources Division of Conservation and Resources Enforcement Advice of Rights form, verbatim. B. CARVALHO indicated with his initials as follows:

1. Do you understand the rights that I have just read to you? To which he initialed yes.
2. Do you want a lawyer now? To which he initialed no.
3. Are you willing to answer questions and make a statement? To which he initialed yes.
4. Do you want a lawyer during this interview? To which he initialed no.

This form was signed in front of this officer on 09-18-2025 at 1453 hours. Refer to form for further information.

SUSPECT #1 INTERVIEW

On 09-18-2025, at approximately 1453 hours, while at Kawaihae Small Boat Harbor, I obtained a voluntary, verbal statement from B. CARVALHO regarding the observed 'opihi picking within the KMR no take zone. The following is a summary of his statement:

- B. CARVALHO stated that he and the other 3 subjects headed out that morning to collect fish and 'opihi for a baby's birthday party and graduation party.
- B. CARVALHO stated that they knew that the boundary to Ka'upulehu Marine Reserve was in the area they were collecting from, but thought the 10-year ban had finished and the area had opened. He said that his dad keeps up on fishing information and had told him that the area was open.
- B. CARVALHO stated that they were dropped off by T.CARVALHO's boat, into the KMR, north of where the signs were posted, however, they had stayed close to shore, so they did not see the posted signs until they left the area after gathering the 'opihi.

SUSPECT #2 ADVICE OF RIGHTS/INTERVIEW

On 09-18-2025, at approximately 1455 hours, while at Kawaihae Small Boat Harbor, Toby CARVALHO

Written By: **WOODS, KELLY A** *[Signature]* #207
 10/05/2025

Approved By: *[Signature]*



Log Number HA-25-01043	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

was advised of his constitutional rights and interviewed. Refer to Connect-up Report #HA-25-01045 for further information.

SUSPECT #3 ADVICE OF RIGHTS/INTERVIEW

On 09-18-2025, at approximately 1500 hours, while at Kawaihae Small Boat Harbor, Solomon Lewis KEAUPILILANI was advised of his rights as he was read the State of Hawaii Department of Land and Natural Resources Division of Conservation and Resources Enforcement Advice of Rights form, verbatim. KEAUPILILANI indicated with his initials as follows:

1. Do you understand the rights that I have just read to you? To which he initialed yes.
2. Do you want a lawyer now? To which he initialed no.
3. Are you willing to answer questions and make a statement? To which he initialed yes.
4. Do you want a lawyer during this interview? To which he initialed yes.

No further questions were asked. This form was signed in front of this officer on 09-18-2025 at 1504 hours. Refer to form for further information.

On 09-18-2025, at approximately 1501 hours, while at Kawaihae Small Boat Harbor, Kaipo BOTEHLO-MATTHEY was advised of his constitutional rights and interviewed. Refer to Connect-up Report #HA-25-01058 for further information.

SUSPECT #4 ADVICE OF RIGHTS

On 09-18-2025, at approximately 1501 hours, while at Kawaihae Small Boat Harbor, Kaipo BOTEHLO-MATTHEY was advised of his constitutional rights and interviewed. Refer to Connect-up Report #HA-25-01058 for further information.

SUSPECT #1 CITATION ISSUED

On 09-18-2025 at approximately 1720 hours, while at Kawaihae Small Boat Harbor, Brandon CARVALHO was issued citation #3083622LNR for the following violations:

- 13-60.4-5(d)(1) HAR: KA'UPULEHU NO TAKE x 1356 counts
- 13-60.4-5(d)(2) HAR: KA'UPULEHU POSSESS LIFE
- 13-60.4-5(d)(3) HAR: KA'UPULEHU POSSESS FISHING GEAR
- 13-60.4-5(d)(4) HAR: KA'UPULEHU DEPLOY FISHING GEAR

B. CARVALHO was issued a court date of 11-06-2025 at 0800 hours, at the Kona District Court. B. CARVALHO signed the citation in front of this officer acknowledging his court date and was provided a copy of the citation.

SUSPECT #2 CITATION ISSUED

On 09-18-2025 at approximately 1720 hours, while at Kawaihae Small Boat Harbor, Toby CARVALHO was issued citation #3083621LNR for the following violations:

Written By: **WOODS, KELLY A** *[Signature]*
10/05/2025

Approved By: *[Signature]*



Log Number HA-25-01043	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

13-243-1(a) HAR: REQUIRED EQUIPMENT x 2 counts
 13-241-8 HAR: CERTIFICATE OF NUMBER
 13-241-12 HAR: NEW OWNER TITLE

T. CARVALHO was issued a court date of 11-06-2025 at 0800 hours, at the Kona District Court. T. CARVALHO signed the citation in front of this officer acknowledging his court date and was provided a copy of the citation.

SUSPECT #3 CITATION ISSUED

On 09-18-2025 at approximately 1720 hours, while at Kawaihae Small Boat Harbor, Ke'au'pilani SOLOMON-LEWIS was issued citation #3083062LNR for the following violations:

13-60.4-5(d)(1) HAR: KA'UPULEHU NO TAKE x 1356 counts
 13-60.4-5(d)(2) HAR: KA'UPULEHU POSSESS LIFE
 13-60.4-5(d)(3) HAR: KA'UPULEHU POSSESS FISHING GEAR
 13-60.4-5(d)(4) HAR: KA'UPULEHU DEPLOY FISHING GEAR

SOLOMON-LEWIS was issued a court date of 11-06-2025 at 0800 hours, at the Kona District Court. SOLOMON-LEWIS signed the citation in front of Officer RZEWNICKI acknowledging his court date and was provided a copy of the citation.

SUSPECT #4 CITATION ISSUED

On 09-18-2025 at approximately 1720 hours, while at Kawaihae Small Boat Harbor, Kaipō BOTEHLO-MATTHEY was issued citation #3041121LNR for the following violations:

13-60.4-5(d)(1) HAR: KA'UPULEHU NO TAKE x 1356 counts
 13-60.4-5(d)(2) HAR: KA'UPULEHU POSSESS LIFE
 13-60.4-5(d)(3) HAR: KA'UPULEHU POSSESS FISHING GEAR
 13-60.4-5(d)(4) HAR: KA'UPULEHU DEPLOY FISHING GEAR

BOTEHLO-MATTHEY was issued a court date of 11-06-2025 at 0800 hours, at the Kona District Court. BOTEHLO-MATTHEY signed the citation in front of Officer ESTEBAN acknowledging his court date and was provided a copy of the citation.

MASTER REPORT

Report number HA-25-01043, is a Master Report to Connect-up Reports HA-25-01045, HA-25-01058 and HA-25-01063. All investigations will be conducted under this Report Number. For further information, please refer to Connect-up Reports HA-25-01045, HA-25-01058 and HA-25-01063.

PHOTOGRAPHS

On 09-18-2025, while at the scene, photographs were taken. Refer to photographic log attached to this

Written By: **WOODS, KELLY A** *[Signature]* #262
 10/05/2025

Approved By: *[Signature]*



Log Number HA-25-01043	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

report for further information.

DISPOSITION

In view of the above information, being that there is no further investigation to be conducted in this case, and being that citations were issued, I recommend this case be closed; citations issued, and a copy of this report routed to the Prosecuting Attorney's Office.

ROUTE COPY TO PROSECUTING ATTORNEY'S OFFICE

CLOSED: CITATIONS ISSUED

Written By: **WOODS, KELLY A** *K. Woods #202*
10/05/2025

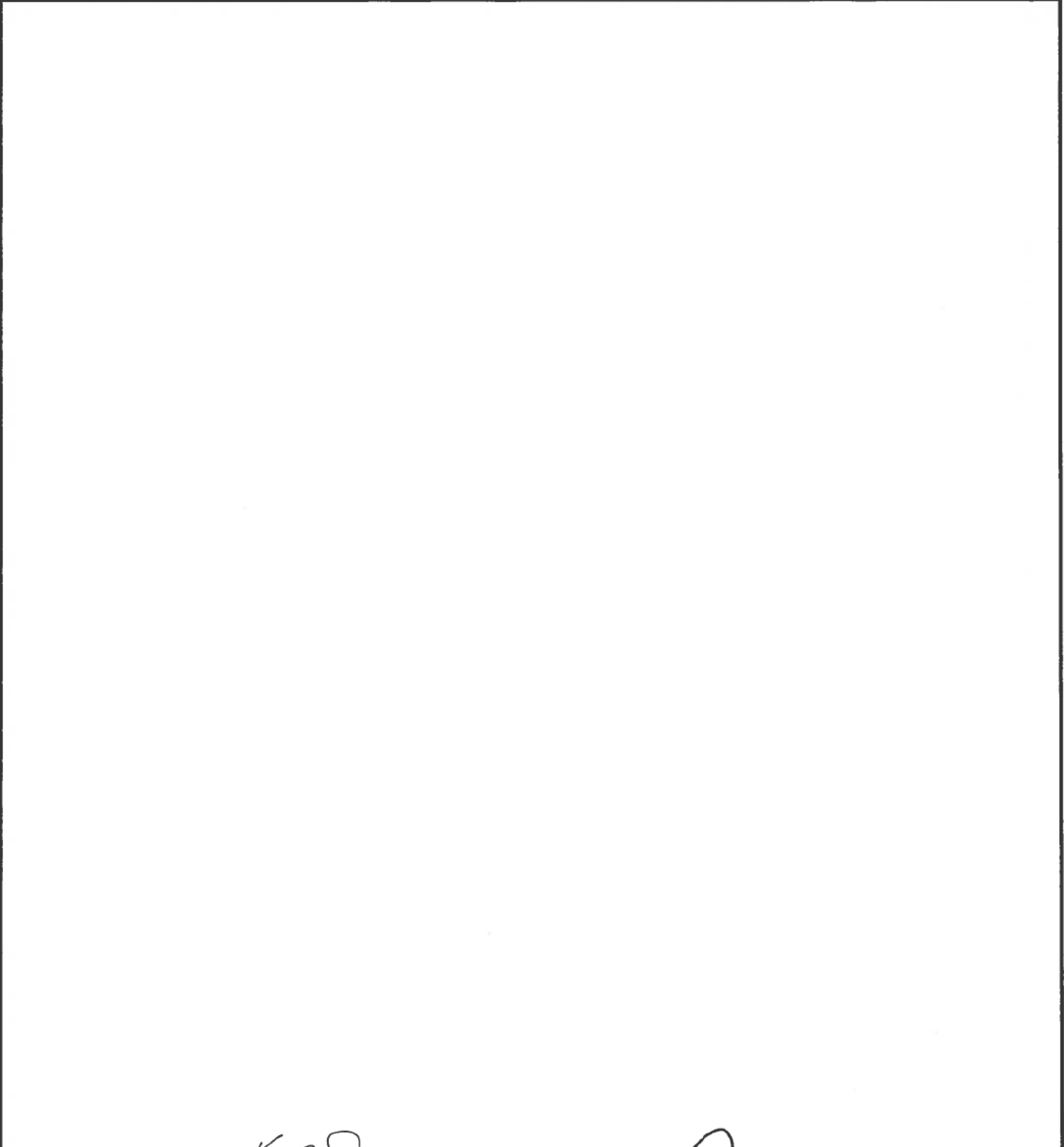
Approved By: *[Signature]*



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

Log Number HA-25-01043	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

IMAGES



Written By: **WOODS, KELLY A** *K. Woods #202*
10/05/2025

Approved By: *[Signature]*



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

Log Number HA-25-01043	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
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BASIC

Classification Prohibited Fishi Prohibited Fishing in a Closed Area	Source PHONE ASSIGNMENT
Location of Incident / Intersecting Street KAUPULEHU SHORELINE KAILUA KONA HI 96740 X-Street:	Island HAWAII
	Branch HAWAII
	Date / Time Occurred From 9/18/2025 0922
	Date / Time Occurred to 9/18/2025 1740
Category MARLCD MARINE LIFE CONSERVATION DISTRICT	Weather CLEAR RAIN

PROPERTY / EVIDENCE

Item Number	Tag Number	Owner	Taken From	Brand / Make	Model	Description	Serial / ID Number	Estimated Value
1	HA-001189	BRANDON CARVALHO	BRANDON CARVALHO	N/A	N/A	One yellow, mesh fiber bag.	N/A	\$0.00
2	HA-001190	KEAUPILILANI J SOLOMON-LEWIS	KEAUPILILANI J SOLOMON-LEWIS	N/A	N/A	One blue, fiber mesh bag.	N/A	\$0.00
3	HA-001191	KEAUPILILANI J SOLOMON-LEWIS	KEAUPILILANI J SOLOMON-LEWIS	N/A	N/A	One white, fabric bag.	N/A	\$0.00
4	HA-001192	KAIPO J BOTEHLO-MATTHEY	KAIPO J BOTEHLO-MATTHEY	N/A	N/A	One blue, mesh bag w/ orange cord.		\$0.00
5	HA-001216	BRANDON CARVALHO	BRANDON CARVALHO	N/A	N/A	One butter knife with black tape handle and yellow bungee cord		\$0.00
6	HA-001218	HAWAII DOCARE	JANINE K DUMAGUIN	TDK	N/A	One TDK CD-R80 containing photo evidence.		\$0.00
7	HA-001219	KAIPO J BOTEHLO-MATTHEY	KAIPO J BOTEHLO-MATTHEY	N/A	N/A	One, butter knife w/ handle wrapped in black tape.		\$0.00

Written By: **WOODS, KELLY A** *[Signature]*
10/05/2025

Approved By: *[Signature]*


INVESTIGATION # HA-25-01043	DISTRICT West Hawaii District	LEAD INVESTIGATOR Kelly WOODS	KEY REPORT [X] Yes []
DATE / TIME REPORTED 09/22/2025 09:22:00 AM	LOCATION Ka'upulehu Marine Reserve	CLASSIFICATION Prohibited Fishing in a Closed Area	CONNECTING REPORT(S) HA-25-01063, HA-25- HA-25-01045

Report Description: 09/18/2025

Date/Time Taken: 09:22:00 AM

Taken By: K. WOODS

Scene: Ka'upulehu Marine Reserve



Equipment: iPhone

Weather Conditions: Clear

Lighting: Sunny

Focus:

1

View of signs posted at the northern border to Ka'upulehu Marine Reserve stating the rules of the closed area.



2

View of sign posted at the northern border to Ka'upulehu Marine Reserve, stating that fishing is prohibited.



3

View of vessel [REDACTED] with captain Toby CARVALHO on board, and the three suspects on the dock.



4

View of deck of vessel [REDACTED] with T. CARVALHO. Bags of opihi are at the aft of the vessel.

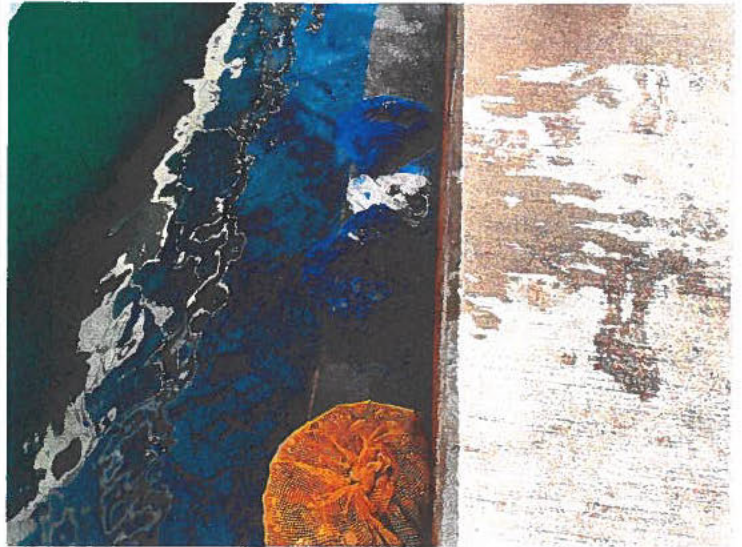


INVESTIGATION # HA-25-01043	DISTRICT West Hawaii District	LEAD INVESTIGATOR Kelly WOODS <i>[Signature]</i>	KEY REPORT [X] Yes []
DATE / TIME REPORTED 09/22/2025 09:22:00 AM	LOCATION Ka'upulehu Marine Reserve	CLASSIFICATION Prohibited Fishing in a Closed Area	CONNECTING REPORT(S) HA-25-01063, HA-25-01045

5 View of suspect Brandon CARVALHO's Hawaii State driver's license, showing identifying information.



6 View of all 4 bags of 'opihī that were aboard vessel [REDACTED]



7 View of 'opihī count being conducted by DOCARE Officers.



8 Close up view of rows of 'opihī, while being systematically counted by DOCARE officers.



INVESTIGATION # HA-25-01043	DISTRICT West Hawaii District	LEAD INVESTIGATOR Kelly WOODS <i>K. Woods #262</i>	KEY REPORT [X] Yes []
DATE / TIME REPORTED 09/22/2025 09:22:00 AM	LOCATION Ka'upulehu Marine Reserve	CLASSIFICATION Prohibited Fishing in a Closed Area	CONNECTING REPORT(S) HA-25-01063, HA-25-01045

9 View of 5-gallon bucket filled with 'opihi from the yellow mesh bags.



10 View of two butter knives used to collect the 'opihi as well as one of the mesh bags used to carry the 'opihi out of Ka'upulehu Marine Reserve.



11 View of RP Janine DUMAGUIN's Hawaii State driver's license, showing identifying information.



12

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

ADVICE OF RIGHTS

Report/Citation # HA-25-01043

I am a Conservation Enforcement Officer. I want to inform you of your rights.

1. You have the right to remain silent. You do not have to answer any questions.
2. Anything you say may be used against you in a court of law.
3. You have the right to talk to a lawyer before we ask you any questions and to have him with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. If you decide to answer the questions now without a lawyer present, you will still have the right to stop answering at any time and talk to a lawyer.

The Advice of Rights was administered to Brandon CARVALHO

By [Signature]
Conservation Enforcement Officer

KAWAIIHAE HARBOR 09/18/2025 1453
Location Date Time

WAIVER OF RIGHTS

Initial

1. Do you understand the rights that I have just read to you? Yes BC No
2. Do you want a lawyer now? Yes No BC
3. Are you willing to answer questions and make a statement? Yes BC No
4. Do you want a lawyer during this interview? Yes No BC

Witness

Brandon Carvalho
Subject's Signature

Date

Time

9-18-25 2:55
Date Time

Refused to sign / / _____

All the foregoing was translated into _____

By _____

Remarks: _____

STATEMENT FORM

STATE OF HAWAII
DLNR/DOCARE

REPORT NUMBER: _____

DISTRICT: _____

CLASSIFICATION: _____

PAGE ____ OF ____ PAGES

DATE : _____

STATEMENT OF (Name): Janine K. Dumaguin, "Kara"

ADDRESS: _____

AGE: _____ DATE OF BIRTH: _____

SSN#: _____

RESIDENCE PHONE: _____ (cell) BUSINESS PHONE: _____

I, Janine K. Dumaguin, "Kara", do freely and voluntarily provide the following statements:
See attached document for full witness statement.

Summary: On September 18, 2025, I observed a vessel and three individuals within the Try Wait marine reserve at Kalaemanō engaged in suspected 'opihi poaching. I contacted DOCARE Officer Dusty, maintained observations, and documented the incident with photos and videos. Full details are provided in the attached signed statement.

I have read this statement prepared by _____, which consists of _____ typewritten [] handwritten pages, and have been given the opportunity to make corrections thereon. I attest that this statement is true and correct, to the best of my knowledge, and that I give this statement freely and voluntarily without coercion or promise of reward.

SIGNED BY: Janine K. Dumaguin DATE: 10/03/25 TIME: 6:47 p.m.

WITNESSED BY: _____ DATE: _____ TIME: _____

INVESTIGATOR: _____ DATE: _____ TIME: _____

Attachment A – Witness Statement of Janine K. “Kara” Dumaguin
Ka‘ūpūlehu ‘Opihi Poaching Incident, September 18, 2025

I, Janine K. “Kara” Dumaguin, am a member of Hui Kāhuwai, a community-led non-profit (501c3) organization formed by the Ka‘ūpūlehu Marine Life Advisory Committee (KMLAC) to implement stewardship strategies for the natural and cultural resources at Ka‘ūpūlehu and Kūki‘o. As part of this work, I have been trained through the Makai Watch program, which has provided me with knowledge of the Try Wait marine reserve boundaries and the ability to recognize unusual or potentially unlawful activity in this area.

On Thursday, September 18, 2025, at approximately 8:50 AM, while driving on Kalaemanō Drive toward the Kalaemanō Interpretive Center, I observed a boat stationary within the Try Wait marine reserve. Boats typically pass through this area rather than remain parked, so this appeared unusual. I parked my vehicle and began walking toward the shoreline to get a clearer view. While walking, I contacted Kaikea Nakachi, Vice President of Hui Kāhuwai, and informed him of the situation. I asked if he had a DOCARE contact, as I preferred not to use the DLNR TIP app. Kaikea provided me with Officer Dusty’s number, and I called him to report the vessel.

When I reached the shoreline, I saw the water was surgy, so I remained at a safe distance about 50 feet away. Aligning myself with the boat, I confirmed it was within the Try Wait reserve. I called Officer Dusty again and informed him that I observed two rods with reels on the boat. I then walked closer to the shoreline and described the boat to him as white on top, orange/yellow on the bottom, with a silver single motor, and one individual on board. After ending the call, I waved to the individual, who maneuvered the boat closer to me, then abruptly turned and sped north.

While still onshore, I noticed three men emerging from the intertidal area to the south, each carrying bags. They walked north in my direction. The first man spoke briefly when I greeted him, stating they were “on the side of the water.” He carried one heavy bag, leaning forward as he walked; the round shapes inside resembled ‘opihi. The second man did not acknowledge me, kept his head down, and also leaned forward while carrying one heavy bag with contents resembling ‘opihi. The third man engaged me in conversation about “Aunty Patty with Makali‘i.” He carried two bags and leaned forward under their weight. One bag was mesh, and I could clearly see it contained ‘opihi. This man had visibly missing teeth. All three continued north in the same direction the boat had gone.

After they passed, I took a photograph. During the encounters with the boat and the three

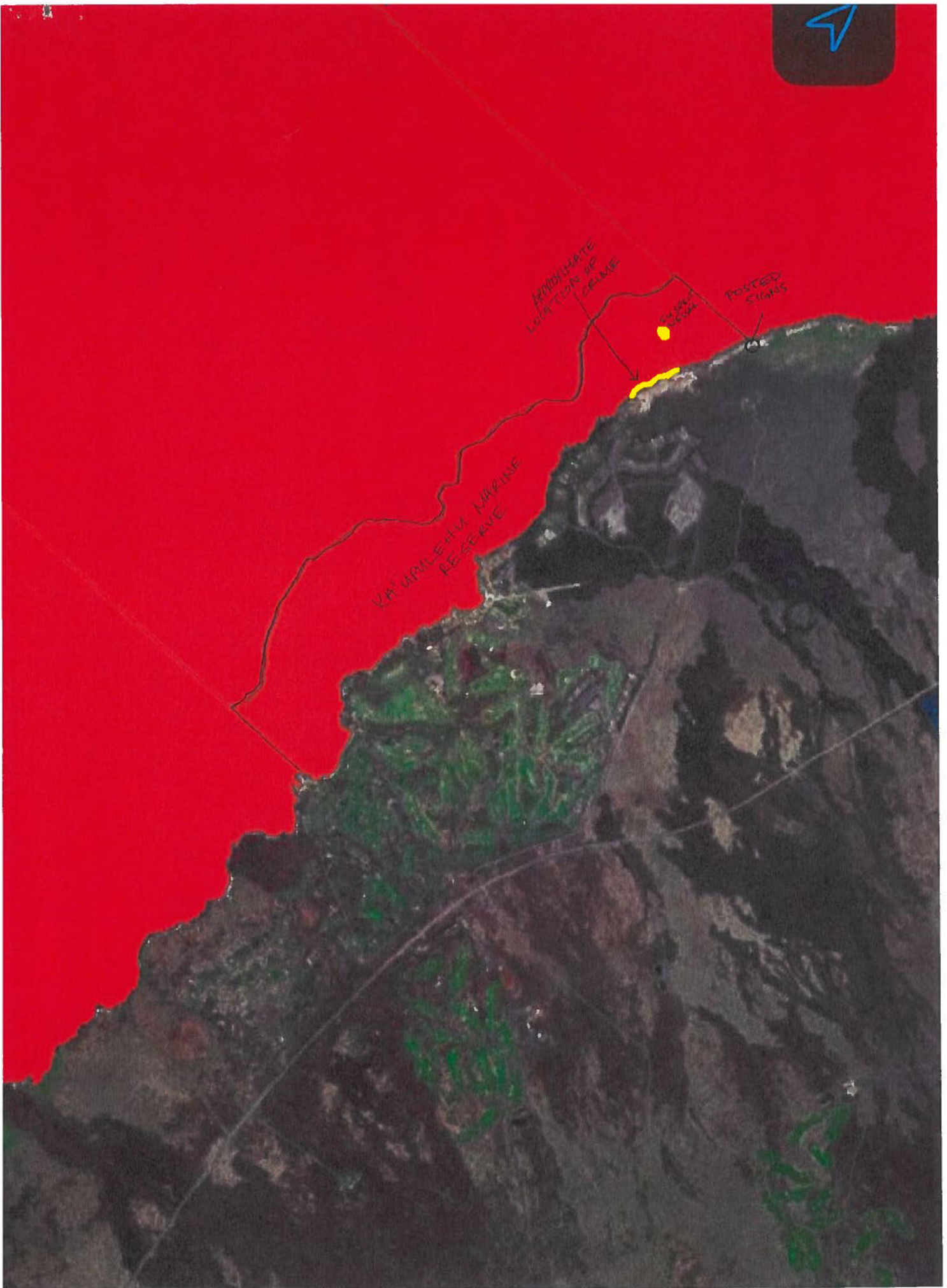
men, I captured a handful of pictures and short videos. I texted these to Officer Dusty and to Kaikea Nakachi for documentation. I remained at the shoreline and continued observing. Approximately 30 minutes later, the same boat reappeared from the shoreline and headed toward deeper waters. For about 40 minutes, I observed it traveling north, then south, then north again. During this time, I remained in contact with Officer Dusty, Kaikea Nakachi, and Mike Nakachi, and participated in a group text with other DOCARE officers.

When the boat eventually traveled north for a longer period, I assumed it was returning to its launch site. The DOCARE group text confirmed the vessel had reached Anaeho'omalū Bay. At that point, I determined I could no longer effectively observe from Kalaemanō. As I walked back toward the Interpretive Center, I encountered two DOCARE officers, including Officer Kelly. We exchanged observations before I continued to the Interpretive Center. Officer Kelly and the other DOCARE officer remained at the shoreline.

I attest that the above statement is true and correct to the best of my knowledge.

Signature: Janine K. "Kara" Dumaguin

Date: October 3, 2025



State of Hawaii-Criminal Citation; Arrest & Summons in the District Court of the Third Circuit



CITATION NO.: 3083622

AGENCY / TYPE

- Airport (A) Harbor/Boating (H)
- Animal Lic. (DL) Animal Industry (DAI)
- Plant (DPI) DOLNR (LNR) MH

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

DEFENDANT		ID on Person <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
LAST NAME CARVALHO			
FIRST NAME BRANDON		MIDDLE INITIAL(S) K.F.L.	
ADDRESS [REDACTED]			
CITY [REDACTED]		STATE [REDACTED]	ZIP CODE [REDACTED]
OPERATOR LICENSE NO./STATE ID [REDACTED]		STATE [REDACTED]	EXP. DATE [REDACTED]
YEAR OF BIRTH [REDACTED]	HEIGHT [REDACTED]	WEIGHT [REDACTED]	ETHNICITY (optional) [REDACTED]
SEX [REDACTED]	SSN-last 4 digits (required by HRS 803-6(c)(2)) [REDACTED]		XXX - XX - [REDACTED]
CONTACT PHONE NUMBER(S) [REDACTED]	MILITARY SERV. <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	MILITARY ID (last 4 characters) [REDACTED]	
EMPLOYER (if driving company vehicle) N/A			

VEHICLE/VESSEL NO. INFORMATION

LICENSE PLATE/IN [REDACTED]	STATE/COUNTRY HI / USA	HAZ MAT <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
MAKE/NAME/MODEL ALU KAI	TYPE DMO	COLOR YELLOW
YEAR 2001	CMV <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	

DETAILS REGARDING THE OFFENSE(S) CHARGED

DATE (Month / Day / Year) 09/18/2025	TIME 0922	DISTRICT KONA	BEAT [REDACTED]
--	---------------------	-------------------------	--------------------

LAW(S) VIOLATED & COMMITTED

SECTION HAR 13-60.4-5(d)(1)	DESCRIPTION KAUHALEHU NO TAKE
SECTION HAR 13-60.4-5(d)(2)	DESCRIPTION KAUHALEHU POSSESS LIFE
SECTION HAR 13-60.4-5(d)(4)	DESCRIPTION KAUHALEHU DEADLY GEAR
SECTION HAR 13-60.4-5(d)(3)	DESCRIPTION KAUHALEHU POSSESS FISHING GEAR

COURT

OFFICER'S STATEMENT OF FACTS

On 09-18-2025 at approximately 0922 Hours Brandon Carvalho was observed in the State and County of Hawaii on the shoreline within the Kaupulehu Marine Reserve, (NO TAKE ZONE) ACTIVELY HARVESTING OPIHI AND IN POSSESSION OF LIFE (1356 OPIHI) as well as possession of fishing gear and deploying fishing gear within the Kaupulehu Marine Reserve, violating the following:

HAR 13-60.4-5(d)(1) x 1356 COUNTS
 HAR 13-60.4-5(d)(2) x 1356 COUNTS
 HAR 13-60.4-5(d)(3)
 HAR 13-60.4-5(d)(4)

Description of Evidence Seized: **OPIHI x 1356, 2 BUTTER KNIVES, 4 BAGS**

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I agree to appear before the District Court of the Third Circuit on the date and at the time and location designated below to answer the charge(s). I understand that my signature is not an admission to the charge(s).

X Brandon Carvalho DEFENDANT REFUSES TO SIGN
 Defendant's Signature (Please read instructions on the reverse side)

The Defendant is hereby directed to appear before the District Court of the Third Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

SUMMONS

COURT LOCATION (see addresses on reverse side)	
<input type="checkbox"/> N/S KOHALA & HAMAKUA	<input type="checkbox"/> N/S HILO & PUNA
<input checked="" type="checkbox"/> N/S KONA & KAU	
DATE 11-06-2025	TIME 0800

COMPLAINING OFFICER INFORMATION

I certify that I served Defendant on the date, time and place indicated on this citation.

PRINT RANK, FIRST INITIAL & LAST NAME CREO III K. Woods	ID NO 762
OFFICER'S SIGNATURE <u>[Signature]</u>	DATE OF ISSUANCE 09-18-2025

COURT

REPORT OF BOARDING

DATE <i>08/18/2025</i>	BOARDING TIME <i>1420Z</i>	[REDACTED]
---------------------------	-------------------------------	------------

VESSEL DATA	VESSEL NUMBER [REDACTED]	VESSEL NAME <i>NONE</i>			HIN [REDACTED]	
	MAKE <i>ALII KAI</i>	POB	TYPE OF BOAT	PROPULSION	HULL MATERIAL	ENGINE COMPARTMENT
	MODEL <i>ALII KAI</i>	ADULT SIZE <i>2</i>	<input checked="" type="checkbox"/> Open M/B <input type="checkbox"/> Cabin M/B <input type="checkbox"/> Sail <input type="checkbox"/> Rowboat <input type="checkbox"/> Canoe/Kayak <input type="checkbox"/> Houseboat <input type="checkbox"/> Inflatable <input type="checkbox"/> Thrillcraft <input type="checkbox"/> Other (Specify):	<input checked="" type="checkbox"/> Outboard <input type="checkbox"/> Inbrd gas <input type="checkbox"/> Inbrd Diesel <input type="checkbox"/> Inbrd/Outbrd <input type="checkbox"/> Jet Propelled <input type="checkbox"/> Sail only <input type="checkbox"/> Manual <input type="checkbox"/> Other (Specify): <input type="checkbox"/> Unknown	<input type="checkbox"/> Wood <input type="checkbox"/> Aluminum <input type="checkbox"/> Steel <input checked="" type="checkbox"/> Fiberglass <input type="checkbox"/> Rubber, Vinyl <input type="checkbox"/> Cement <input type="checkbox"/> Other (Specify): <input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent reg)
	MODEL YR. <i>8001</i>	NET TONS	LENGTH <i>15 10</i> FT	CHILD SIZE <i>0</i>	FUEL COMPARTMENT	
	HP <i>1x60</i>	USE 1. Commercial 2. Pleasure 3. Passenger		CONSTRUCTION		<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent reg)

OWNER	NAME <i>TOBY J. CARVALHO</i>	<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	<input checked="" type="checkbox"/> OWNER WAS OPERATOR <input type="checkbox"/> OWNER ON BOARD NOT OPERATOR <input type="checkbox"/> OWNER NOT ON BOARD <input type="checkbox"/> RENTAL BOAT
	ADDRESS [REDACTED]	OPERATOR COURSES	
	CITY [REDACTED]	STATE [REDACTED]	ZIP [REDACTED]

OPERATOR	NAME " " " "	<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	OPERATOR AGE IF UNDER 18: <i>N/A</i>
	ADDRESS	OPERATOR TELEPHONE: [REDACTED]	
	CITY	STATE	ZIP

OBSERVED IN USE	BODY OF WATER <i>PACIFIC OCEAN</i>	DETAILED LOCATION <i>Kawaihae Boat Ramp North</i>
	CITY <i>KANUUE LA</i>	
	COUNTY <i>HAWAII</i>	

VIOLATION (✓ INDICATES DEFICIENCY)	CITATION	UNSAFE CONDITION	CITATION
<input checked="" type="checkbox"/> NUMBERING		UNSAFE CONDITIONS CREATING ESPECIALLY HAZARDOUS CONDITIONS, TERMINATED USE	
<input checked="" type="checkbox"/> CERTIFICATE NOT ONBOARD	<i>3083621LNR</i>	OVERLOADED	
<input checked="" type="checkbox"/> DECAL		OVERPOWERED	
<input checked="" type="checkbox"/> PERSONAL FLOTATION DEVICE	<i>ONLY 2 - 4 ADULTS INBOARD</i>	OTHER (SPECIFY):	
SOUND PRODUCING DEVICE		OTHER (SPECIFY):	
FIRE EXTINGUISHER		OTHER (SPECIFY):	
BACKFIRE FLAME CONTROL			
VENTILATION			
NAV./ANCHOR LTS.			
<input checked="" type="checkbox"/> VISUAL DISTRESS SIGNALS	<i>EXPIRED 08/16 - ALSO FALLING APART</i>	ACTION TAKEN	
NEGLIGENT OPERATION	<i>HAD ELECTRONIC PLATE</i>	CORRECTED ON THE SPOT	
OTHER (SPECIFY):		WARNING ISSUED	
OTHER (SPECIFY):	<i>TITLE TRANSFER</i>	<input checked="" type="checkbox"/> CITATION ISSUED	<i>3083621LNR</i>
		NO VIOLATION	

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

MAIL: [REDACTED]

BOARDING OFFICER'S NAME <i>S. Woods</i>	RANK <i>CREW III</i>	UNIT <i>202</i>	DISTRICT <i>S. KONA LA KANUUE LA</i>
DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT DEPARTMENT OF LAND AND NATURAL RESOURCES STATE OF HAWAII		BOARDING OFFICER'S SIGNATURE <i>[Signature]</i> #202	



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

Log Number HA-25-01045	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

Investigation Report

Fishing Hunting Boating Drug Rel. Forestry NOAA JEA Land - OCCL CWRM Historic State Parks KAIC Other

BASIC

Classification 13-241-12(a) FAILURE TO SECURE NEW CERTIFICATE OF NUMBER	Source PHONE PHONE
Location of Incident / Intersecting Street KAUPULEHU SHORELINE KAILUA KONA HI 96740 X-Street:	Island HAWAII Branch HAWAII
Category MARLCD MARINE LIFE CONSERVATION DISTRICT	Weather CLEAR CLEAR
Date / Time Occurred From 9/18/2025 0922	
Date / Time Occurred to 9/18/2025 1740	
WEAPONS USED:	

INVOLVED VEHICLES

Type	Vessel/Boat	Year	Make	Model	Color	License / HA Number	Length	Involvement	SUSPV
BOAT		2001	0		YEL		16	SUSPECT VEHICLE	

Person/Vehicle Involvement

OWN/OP CARVALHO, TOBY	OWN/OP [REDACTED]
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INVOLVED VESSELS / BOATS

U.S.C.G. Number	Vessel Name	Use	Length	Beam	Weight	Involvement Code
[REDACTED]	NONE	PL	16			SUSPV
Propulsion	Engine Type	Number of Engines	Hull Type	Draft	Registration Number	State
OB	OP	1	FI	Forward Aft	[REDACTED]	HI

PERSONS

Name (Last, First, Middle)	Juvenile	Sex	Race	Age	Date of Birth
CARVALHO, TOBY J	<input type="checkbox"/>				
Address [REDACTED]					
Category CITED	CODE: CIT	Home Phone [REDACTED]	Other Phone		

SYNOPSIS

Narrative Created By / Created On WOODS, KELLY A <i>[Signature]</i> #202 10/08/2025	Approved By / On <i>[Signature]</i>
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On 09-18-2025, at approximately 1720 hours, while in the State and County of Hawai'i at Kawaihae Small Boat Harbor, DOCARE enforcement officers cited Brandon CARVALHO, Kaipo BOTEHLO-MATTHEY, and Keaupililani SOLOMON-LEWIS for violations committed within the Ka'upulehu Marine Reserve. The individuals were issued citations 3083622LNR, 3041121LNR, and 3083062LNR for the following: 1,356 counts of HAR 13-60.4-5(d)(1): KA'UPULEHU NO TAKE, 1,356 counts of HAR 13-60.4-5(d)(2): KA'UPULEHU POSSESS LIFE, 1 count of HAR 13-60.4-5(d)(3): KA'UPULEHU FISHING GEAR and 1 count of HAR 13-60.4-5(d)(4): DEPLOY FISHING GEAR. These violations occurred after the subjects took a vessel into the closed reserve area, went ashore, and unlawfully collected a total of 4,068 'opih.

The vessel's captain, Toby CARVALHO, was issued citation 3083621LNR for separate violations involving the operation of the suspect vessel [REDACTED]. He was cited for 2 counts of HAR 13-243-1(a) (Required Equipment), 1 count of HAR 13-241-8 (Certificate of Number), and 1 count of HAR 13-241-

Written By: WOODS, KELLY A <i>[Signature]</i> #202 10/08/2025	Approved By: <i>[Signature]</i>	PAGE 1
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State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-01045	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CITATION ISSUED	Activity Code Protected Fisheries Resources	

12 (New Owner Title). These citations were issued after it was determined that the vessel was being operated with 2 fewer life jackets than required, without a current registration on board, and with the title not properly transferred into his name.

INV. CONTINUING

ARREST / CITATION / WARNING INFORMATION

Arrest Date 09/18/2025	Person Arrested (Last Name, First, Middle) CARVALHO TOBY J	Juvenile
Ticket / Complaint Number 3083621LNR	Tracking Number	Arrest Disposition CITATION
Primary Charge 13-243-1(a)	EQUIPMENT REQUIRED BY VESSELS ON STATE WATERS	
Arresting Officer 1 WOODKA WOODS, KELLY A	Arresting Officer 2 ESTADJ ESTEBAN J.K. DUSTAN	Blood / Alcohol <input type="checkbox"/>
Secondary Charge(s)		Arrest <input type="checkbox"/>
Charge 13-241-8	Count(s) 1	Description NO VALID CERTIFICATE OF NUMBER ABOARD
Charge 13-241-12(a)	Count(s) 1	Description FAILURE TO SECURE NEW CERTIFICATE OF N

RESPONDING / INVOLVED UNITS, OFFICERS, AND TIMES

Division HAWA	Supervisor Elvenia, Daniel L	ELVED
Unit Number 6-23	Officer / ID (Ofcr 1 / Ofcr 2) WOODS, KELLY A ESTEBAN J.K. DUSTAN	Officer / ID (Ofcr 3 / Ofcr 4) WOODKA RZEWNICKI, DAVID ESTADJ PILA B. GERARD
		RZEWD PILAGB

Written By: **WOODS, KELLY A** *[Signature]*
10/08/2025

Approved By: *[Signature]*



Log Number HA-25-01045	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

INVESTIGATION

Narrative Created By / Created On WOODS, KELLY A 10/08/2025	Approved By / On
---	------------------

CONNECT-UP REPORT

Report number HA-25-01045, is a Connect-up Report to Master Report HA-25-01043. All investigations will be conducted under Master Report HA-25-01043. For further information, please refer to Master Report HA-25-01043.

SUSPECT IDENTIFIED

On 09-18-2025 at approximately 1427 hours, while at Kawaihae Small Boat Harbor, the vessel captain was identified verbally as the following:

NAME: Toby CARVALHO J., [REDACTED]
 DOB: [REDACTED]
 SSN: XXX-XX [REDACTED]
 ADDRESS: [REDACTED]
 MAIL: [REDACTED]
 PHONE: [REDACTED]

ADVICE OF RIGHTS

On 09-18-2025, at approximately 1455 hours, while at Kawaihae Small Boat Harbor, Toby CARVALHO was advised of his constitutional rights and interviewed. Refer to Connect-up Report #HA-25-01043 for further information.

CITATION ISSUED

On 09-18-2025 at approximately 1730 hours, while at Kawaihae Small Boat Harbor, Toby CARVALHO was issued citation #3083621LNR for the following violations:

- 13-243-1(a) HAR: REQUIRED EQUIPMENT x 2 counts
- 13-241-8 HAR: CERTIFICATE OF NUMBER
- 13-241-12 HAR: NEW OWNER TITLE

T. CARVALHO was issued a court date of 11-06-2025 at 0800 hours, at the Kona District Court. T. CARVALHO signed the citation in front of this officer acknowledging his court date and was provided a copy of the citation.

DISPOSITION

In view of the above information, being that there is no further investigation to be conducted in this case,

Written By: WOODS, KELLY A 10/08/2025	Approved By: [Signature]	PAGE 3
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State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-01045	District NORTH KONA (HAWAII)	Lead Investigator WOODS, KELLY A - WOODKA
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU MARINE RESERVE	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

and being that a citation was issued, I recommend this case be closed; citation issued, and a copy of this report routed to the Prosecuting Attorney's Office.

ROUTE COPY TO PROSECUTING ATTORNEY'S OFFICE

CLOSED: CITATION ISSUED

Written By: **WOODS, KELLY A** *[Signature]* #202
10/08/2025

Approved By: *[Signature]*

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

ADVICE OF RIGHTS

Report/Citation # HA-25-01063
HA-25-01043

I am a Conservation Enforcement Officer. I want to inform you of your rights.

1. You have the right to remain silent. You do not have to answer any questions.
2. Anything you say may be used against you in a court of law.
3. You have the right to talk to a lawyer before we ask you any questions and to have him with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. If you decide to answer the questions now without a lawyer present, you will still have the right to stop answering at any time and talk to a lawyer.

The Advice of Rights was administered to ROBY S CARVALHO [REDACTED]
By Dario Rzewnicz
Conservation Enforcement Officer

KAWAIAHAE HARBOR 9-18-25 1455
Location Date Time

WAIVER OF RIGHTS

- | | | |
|---|-----------------|----------------|
| 1. Do you understand the rights that I have just read to you? | Yes <u>T.C</u> | No <u> </u> |
| 2. Do you want a lawyer now? | Yes <u> </u> | No <u>T.C</u> |
| 3. Are you willing to answer questions and make a statement? | Yes <u>T.C</u> | No <u> </u> |
| 4. Do you want a lawyer during this interview? | Yes <u> </u> | No <u>T.C</u> |

Dario Rzewnicz [Signature]
Witness Subject's Signature
9-18-25 1457 9/18/25 2:57
Date Time Date Time

Refused to sign / / _____

All the foregoing was translated into _____

By _____ Remarks: _____

State of Hawaii-Criminal Citation; Arrest & Summons in the District Court of the Third Circuit



CITATION NO.: 3083621

AGENCY / TYPE

- Airport (A) Harbor/Boating (H)
- Animal Lic. (DL) Animal Industry (DAI)
- Plant (DPI) DLNR (LNR) MH

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

DEFENDANT		ID on Person <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME CARVALHO			
FIRST NAME TOBY		MIDDLE INITIAL(S) J.	
ADDRESS [REDACTED]			
CITY [REDACTED]		STATE [REDACTED]	ZIP CODE [REDACTED]
OPERATOR LICENSE NO./STATE ID [REDACTED]		STATE	EXP. DATE [REDACTED]
YEAR OF BIRTH [REDACTED]	HEIGHT [REDACTED]	WEIGHT [REDACTED]	ETHNICITY (optional) [REDACTED]
SEX [REDACTED]	SSN-last 4 digits (required by HRS 803-6(c)(2)) [REDACTED]		xxx - xx - [REDACTED]
CONTACT PHONE NUMBER(S) [REDACTED]	MILITARY SERV. <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	MILITARY ID (last 4 characters) [REDACTED]	
EMPLOYER (if driving company vehicle) N/A			
VEHICLE/VESSEL NO. INFORMATION			
LICENSE PLATE/VIN [REDACTED]	STATE/COUNTRY HI / USA		HAZ MAT <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
MAKE/NAME/MODEL ALII KAI	TYPE OMB	COLOR YELLOW	YEAR 2001 <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
DETAILS REGARDING THE OFFENSE(S) CHARGED			
DATE (Month / Day / Year) 09/18/2025	TIME 0922	DISTRICT KONA	BEAT
LAW(S) VIOLATED & COMMITTED			
SECTION HAR 13-243-1(a)	DESCRIPTION REQUIRED EQUIPMENT		
SECTION HAR 13-243-1(a)	DESCRIPTION REQUIRED EQUIPMENT		
SECTION HAR 13-241-8	DESCRIPTION CERTIFICATE OF NUMBER		
SECTION HAR 13-241-12	DESCRIPTION NEW OWNER TITLE		

COURT

OFFICER'S STATEMENT OF FACTS

On 09.18.2025 at approximately 0922 hours, while in the State and County of Hawaii, TOBY CARVALHO was observed operating a vessel with 4 total people onboard and he had only 2 life jackets onboard. He also did not have the certificate of number on his vessel and had not transferred the title in to his name.

Description of Evidence Seized: **None**

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I agree to appear before the District Court of the Third Circuit on the date and at the time and location designated below to answer the charge(s). I understand that my signature is not an admission to the charge(s).

X *[Signature]* DEFENDANT REFUSES TO SIGN
Defendant's Signature (Please read instructions on the reverse side)

The Defendant is hereby directed to appear before the District Court of the Third Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

SUMMONS

COURT LOCATION (see addresses on reverse side)

N/S KOHALA & HAMAKUA N/S HILO & PUNA N/S KONA & KAU

DATE: **11-06-2025** TIME: **0800**

COMPLAINING OFFICER INFORMATION

I certify that I served Defendant on the date, time and place indicated on this citation.

PRINT RANK, FIRST INITIAL & LAST NAME: **CREO III K. WOODS** ID NO.: **#262**

OFFICER'S SIGNATURE: *[Signature]* DATE OF ISSUANCE: **09/18/2025**

COURT



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

Log Number HA-25-01058	District NORTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Marine Protected Areas (MPA)	

Investigation Report

Fishing Hunting Boating Drug Rel. Forestry NOAA JEA Land - OCCL CWRM Historic State Parks KAIC Other

BASIC	
Classification 13-60.4-5(d)(1)	Source PHONE
TAKE OR ATTEMPT TO TAKE ANY SPECIMEN OF AQUATIC LIFE UNLE!	

Location of Incident / Intersecting Street KAUPULEHU MARINE RESERVE	Island HAWAII	Branch HAWAII
X-Street:	Date / Time Occurred From 9/18/2025 0900	Date / Time Occurred to 9/18/2025 1750

Category MARFMA	Weather CLEAR
MARINE FMA	CLEAR

WEAPONS USED:

INVOLVED VEHICLES

Type	Vessel/Boat	Year	Make	Model	Color	License / HA Number	Length	Involvement	SUSPV
BOAT		2001			YEL		15.1	SUSPECT VEHICLE	

Person/Vehicle Involvement	
PASS	PASS
BOTEHLO-MATTHEY, KAIPO	

INVOLVED VESSELS / BOATS

U.S.C.G. Number	Vessel Name	Use	Length	Beam	Weight	Involvement Code
	N/A	PL	15.1			SUSPV
Propulsion	Engine Type	Number of Engines	Hull Type	Draft	Registration Number	State
OB	OP	1X60	FI	Forward Aft		HI

PERSONS

Name (Last, First, Middle)	Juvenile	Sex	Race	Age	Date of Birth
BOTEHLO-MATTHEY, KAIPO J	<input type="checkbox"/>				

Address

Category SUSPECT	CODE: SUSP	Home Phone	Other Phone
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Name
KAUPULEHU KALAEMANO

Category BUSN	Business Address
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Phone 1	Phone 2	Phone 3
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SYNOPSIS

Narrative Created By / Created On ESTEBAN J.K. DUSTAN 09/24/2025	Approved By / On
--	------------------

9/18/2025: approx. 0922 hours: Kaipo J. BOTEHLO - MATTHEY [redacted] of [redacted] was observed on the shoreline of Kaupulehu Marine Reserve (KMR), District of North Kona, County and State of Hawaii. Taking life within KMR no take zone, in possession of 1,356 opihi within KMR, in possession of prohibited fishing gear within KMR, and deploying prohibited fishing gear within KMR which is in violation of the following:

- Hawaii Administrative Rule 13-60.4-5(d)(1) Activities Prohibited Within Selected Areas
- Hawaii Administrative Rule 13-60.4-5(d)(2) Activities Prohibited Within Selected Areas
- Hawaii Administrative Rule 13-60.4-5(d)(3) Activities Prohibited Within Selected Areas
- Hawaii Administrative Rule 13-60.4-5(d)(4) Activities Prohibited Within Selected Areas

INV. CONTINUING

ARREST / CITATION / WARNING INFORMATION

Written By: ESTEBAN J.K. DUSTAN 09/24/2025	Approved By:	PAGE 1
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State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-01058	District NORTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Marine Protected Areas (MPA)	

ARREST / CITATION / WARNING INFORMATION

Arrest Date 09/18/2025	Person Arrested (Last Name, First, Middle) BOTEHLO-MATTHEY KAIPO J	Juvenile
Ticket / Complaint Number 3041121LNR	Tracking Number	Arrest Disposition CITATION
Primary Charge 13-60.4-5(d)(1) TAKE OR ATTEMPT TO TAKE ANY SPECIMEN OF AQUATIC LIFE UNLESS	Count(s) 1	
Arresting Officer 1 ESTADJ ESTEBAN J.K. DUSTAN	Arresting Officer 2 WOODKA WOODS, KELLY A	Blood / Alcohol <input type="checkbox"/>
Secondary Charge(s)		Arrest <input type="checkbox"/>
Charge 13-60.4-5(d)(3)	Count(s) 1	Description POSSESS OR USE ANY FISHING GEAR OTHER
Charge 13-60.4-5(d)(4)	Count(s) 1	Description DEPLOY ANY FISHING GEAR SHOREWARD OF
Charge 13-60.4-5(d)(2)	Count(s) 1	Description POSSESS ANY SPECIMEN OF MARINE LIFE OT

RESPONDING / INVOLVED UNITS, OFFICERS, AND TIMES

Division	Supervisor	ELVED
HAWA	Elvenia, Daniel L	
Unit Number	Officer / ID (Ofcr 1 / Ofcr 2)	Officer / ID (Ofcr 3 / Ofcr 4)
6-5422	ESTEBAN J.K. DUSTAN WOODS, KELLY A	ESTADJ WOODKA PILA B. GERARD
		RZEWD PILAGB

Written By: ESTEBAN J.K. DUSTAN
09/24/2025

ESTADJ #214

Approved By: *[Signature]*



Log Number HA-25-01058	District NORTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Marine Protected Areas (MPA)	

INVESTIGATION

Narrative Created By / Created On ESTEBAN J.K. DUSTAN	Approved By / On 09/24/2025
---	---------------------------------------

CONNECT - UP - REPORT

This report is a Connect-up Report to Master Report number **HA - 25 - 01043**. All investigations will be consolidated under the Master Report. **Kaipo J. BOTEHLO - MATTHEY** is the primary suspect in **Connect - up Report Number HA - 25 - 01058**. For additional details, refer to the **Master Report Number HA - 25 - 01043**.

ASSIGNMENT

9/18/2025: 0922 hours: While conducting patrols along the Kona Coast shoreline, I received call from Kara DUMAGUIN reporting a vessel dropping off 3 unidentified males on the shoreline, and picking Opihi in the Kaupulehu Marine Reserve (KMR). DUMAGUIN provided photos of this incident. I assigned myself to this case.

INFORMATION

The Kaupulehu Marine Reserve (KMR) is a protected area on the west coast of Hawaii Island, established in 2016, to allow for the recovery of reef fish populations. It encompasses a 3.6-mile stretch of coastline and features a 10-year no-take period, meaning fishing and the taking of any aquatic life is prohibited within its boundaries.

The rule prohibits the take or possession of any aquatic life within the reserve boundaries, from the shoreline seaward to the 20-fathom (120-foot) depth contour. Beyond the 20-fathom depth contour, hook-and-line fishing is allowed for the following species: 'opakapaka, kalekale, lehi, gindai, onaga, ehu, hapu'upu'u, uku, nabeta, aku, ahi and tombo, a'u, ono, mahimahi, ta'ape, toau, and roi. In addition, Kona crab may be taken by Kona crab net.

The rule also prohibits the possession or use of any fishing gear other than hook-and-line and/or Kona crab net within the reserve and deploying any fishing gear shoreward of the 20-fathom depth contour.

ADDITIONAL OFFICERS CONTACTED

9/18/2025: approx. 0925 hours: Officers K. WOODS and D. RZEWNICKI were contacted and briefed on the report of the vessel. We all headed in the direction of KMR to investigate.

SCENE / ARRIVAL

The scene of this case takes place at the north end of the Kaupulehu Marine Reserve, District of North Kona, in the County and State of Hawaii. The scene is further described as approximately 100 yards

Written By: **ESTEBAN J.K. DUSTAN**
09/24/2025

[Handwritten signature] #214

Approved By: *[Handwritten signature]*



Log Number HA-25-01058	District NORTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Marine Protected Areas (MPA)	

south of the KMR north boundary line.

Officer WOODS staged and made observations from the KMR shoreline, Officer RZEWNICKI and this Officer staged alongside Queen Kaahumanu Highway (HWY 19) to get a better vantage point overlooking KMR. Arrived on scene at approx. 1015 hours.

OFFICER OBSERVATIONS

Upon arriving on scene, this Officer observed a smaller vessel approximately 16 - 17 ft. in length, with a yellow hull, with 2 fishing poles in pole holders, and a single outboard engine. This vessel fit the description of the vessel involved in this case. The vessel was observed lingering offshore of KMR, vessel then headed in a southerly direction, vessel then changed direction to the north and started driving in circles. After observing vessel for approximately 30 min., vessel started to head north, in the direction of the Kawaihae Small Boat Harbor (SBH). At this time, I followed the vessel north in my patrol vehicle.

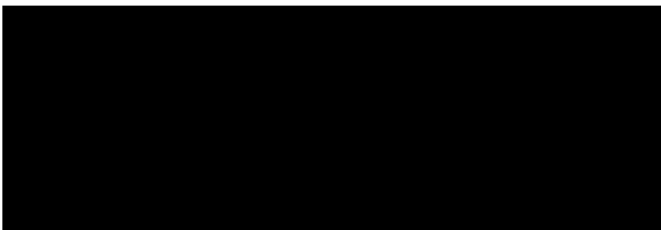
Approximately 1130 hours I observed the vessel stop just offshore of the Hilton Waikaloa Resort, I pulled into the Hilton Waikaloa Resort Road and staged on the shoreline just makai of the Kamuela Provision Company. Through my binoculars I observed 4 unidentified males on board the vessel. From this vantage point I could confirm through pictures and description given to me by DUMAGUIN, that these were the same individuals that were allegedly harvesting Opihi within the KMR no take zone.

2 of the males jumped into the water with what looked to be spearfishing gear, and the 2 other males remained on the vessel. At approximately 1310 hours the vessel picked up the 2 unidentified from the water and continued north towards Kawaihae SBH.

SUSPECTS CONTACTED / INFORMATION

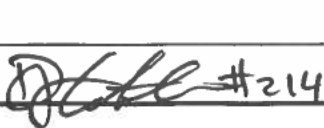
The suspect I contacted in this case was identified verbally as the following:


Kaipo J. BOTEHLO - MATTHEY 



9/18/2025: approx. 1450 hours: Upon contact with BOTEHLO - MATTHEY at Kawaihae SBH, I announced my name and office. I proceeded to ask BOTEHLO - MATTHEY if he was willing to speak to me about the incident that was currently being investigated. BOTEHLO - MATTHEY replied yes. At this time, I advised BOTEHLO - MATTHEY of his rights.

Written By: **ESTEBAN J.K. DUSTAN**
09/24/2025

 #214

Approved By: 



Log Number HA-25-01058	District NORTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
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ADVICE OF RIGHTS

9/18/2025: at 1501 hours: while at the Kawaihae SBH, I read BOTEHLO - MATTHEY his constitutional rights using the State of Hawai'i Department of Land and Natural Resources Division of Conservation and Resources Enforcement Advice of Rights (AOR) form, verbatim BOTEHLO - MATTHEY responded to each question as indicated below by placing his initials next to each answer:

- 1) Do you understand the rights that I have just read to you? To which he initialed **YES**.
- 2) Do you want a lawyer now? To which he initialed **NO**.
- 3) Are you willing to answer questions and make a statement? To which he initialed **YES**.
- 4) Do you want a lawyer during this interview? To which he initialed **NO**.

The AOR form was signed and acknowledged by BOTEHLO - MATTHEY in my presence on 9/18/2025 at 1501 hours. As a lawyer was not requested, the interview proceeded. (Refer to attached DOCARE AOR Form for documentation.)

SUSPECT STATEMENT - BOTEHLO - MATTHEY:

9/18/2025: approx. 1501 hours: While at Kawaihae SBH, I obtained a voluntary verbal statement from Kaipo J. BOTEHLO - MATTHEY [REDACTED] regarding the observed Opihi picking within the KMR no take zone. The following is a summary of that statement:

- BOTEHLO - MATTHEY said that they were dropped off by vessel to harvest Opihi
- BOTEHLO - MATTHEY admitted to walking south past the signs marking KMR north boundary into the no take zone and continued to pick / harvest Opihi.
- He continues to state that he was "little bit on the right side" of the KMR north boundary signs, indicating that he was in the no take zone.
- BOTEHLO - MATTHEY admits to being on the south side of north boundary signs (no take zone) of KMR.
- BOTEHLO - MATTHEY states that they walked past an "aunty" (DUMAGUIN) while heading in a north direction out of the no take zone to swim the Opihi out and get picked up by the vessel.
- He also confirms that they stopped outside of the Hilon Waikalua Resort to dive / spearfish.

Note: This statement was audio-recorded and entered into evidence. Refer to **EPR# HA-001211, Item #1** (1 Verbatim Compact Disc 4.7GB) for the full statement.

Written By: **ESTEBAN J.K. DUSTAN**
09/24/2025

[Handwritten Signature] #214

Approved By:

[Handwritten Signature]



Log Number HA-25-01058	District NORTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Marine Protected Areas (MPA)	

CATCH INSPECTION

9/18/2025: approx. 1515 hours: While at Kawaihae SBH, a catch inspection was conducted on the harvested Opihi. The results of the catch inspection are as follows:

Of the 4 bags containing Opihi, a total of 4,069 were counted. Due to the fact that none of the 3 suspects that had picked Opihi took ownership for any particular bag, and none of them admitting to who had picked what and how much, we split the responsibility 3 ways. Putting each suspect in possession of 1,356 Opihi.

INFORMATION

9/18/2025: All 4,069 Opihi that were recovered during this investigation was given to Kaikea NAKACHI [REDACTED] NAKACHI is the Vice President of the Kaupulehu Marine Life Advisory Committee (KMLAC). NAKACHI ensured the proper return of all Opihi to their rightful place to maximize the Opihi's chances of survival.

CITATION ISSUED

9/18/2025: approx. 1720 hours: BOTHELO - MATTHEY was issued citation 3041121LNR for the following violations:

- **Hawaii Administrative Rule 13-60.4-5(d)(1) Activities Prohibited Within Selected Areas**
- **Hawaii Administrative Rule 13-60.4-5(d)(2) Activities Prohibited Within Selected Areas**
- **Hawaii Administrative Rule 13-60.4-5(d)(3) Activities Prohibited Within Selected Areas**
- **Hawaii Administrative Rule 13-60.4-5(d)(4) Activities Prohibited Within Selected Areas**

BOTHELO - MATTHEY reviewed all personal information, acknowledged and signed the citation without incident. BOTHELO - MATTHEY is summoned to appear in Kona District Court on November 6th, 2025 at 0800 hours. A copy of citation 3041121LNR was given to BOTHELO - MATTHEY for his records.

EVIDENCE

The following piece of evidence, in connection with this investigation was formally documented under the corresponding **DOCARE Evidence Property Receipt (EPR)** number. The item was tagged, secured, and entered into the property chain of custody for evidentiary processing:

- **Item #1: (1) Verbatim 4.7GB Compact Disc containing statement for BOTEHLO - MATTHEY. (EPR# HA - 001211)**

PHOTOGRAPHS

Written By: **ESTEBAN J.K. DUSTAN**
09/24/2025

[Signature] #214

Approved By: *[Signature]*



Log Number HA-25-01058	District NORTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Marine Protected Areas (MPA)	

9/18/2025: 0924 - 1756 hours: Photographs of this incident were taken. Please refer to photographic record attached to this report for further information.

DISPOSITION

In view of the above information and being that there is no further investigation to be conducted in this case, and being that a citation was issued, I recommend this case be closed; citation issued.

PLEASE ROUTE A COPY OF THIS REPORT TO THE KONA PROSECUTORS OFFICE

CLOSED: CITATION ISSUED

Written By: **ESTEBAN J.K. DUSTAN**
09/24/2025

Estadjan #214

Approved By: *[Signature]*



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

Log Number HA-25-01058	District NORTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Marine Protected Areas (MPA)	

Written By: **ESTEBAN J.K. DUSTAN**
09/24/2025

Estad #214

Approved By:

[Signature]



Log Number HA-25-01058	District NORTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Marine Protected Areas (MPA)	

IMAGES



PHOTO 1: Showing profile picture of suspect BOTEHLO-MATTHEY.



PHOTO 2: Showing suspects walking with bags of Opihi in KMR no take zone.



PHOTO 3: Showing close-up view of BOTEHLO-MATTHEY (in front with no shirt) walking north with bag of Opihi. KMR north boundary signs circled in blue.



PHOTO 4: Showing vessel bearing [redacted] that was used to harvest Opihi.

Written By: ESTEBAN J.K. DUSTAN
09/24/2025

[Signature] #214

Approved By: *[Signature]*



Log Number HA-25-01058	District NORTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Marine Protected Areas (MPA)	

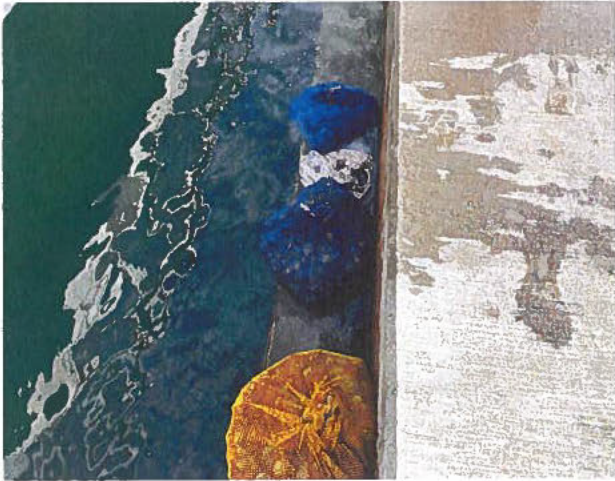


PHOTO 5: Showing 4 bags filled with Opihi, that were recovered from suspects.

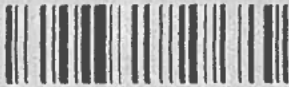


PHOTO 6: Showing Opihi counting process. Opihi were stacked into piles of 10 pieces, piles were counted then put into large pile on the left.



PHOTO 7: Showing DOCARE Officer's counting Opihi that was recovered off of vessel bearing [REDACTED]

State of Hawaii-Criminal Citation; Arrest & Summons in the District Court of the Third Circuit



3041121

CITATION NO.:

AGENCY / TYPE

- Airport (A)
- Harbor/Boating (H)
- Animal Lic. (DL)
- Animal Industry (DAI)
- Plant (DPI)
- DLNR (LNR)
- MH

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

DEFENDANT		ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME <i>Re MATTHEY BOTELLO-MATTHEY</i>			
FIRST NAME <i>LAIPO</i>		MIDDLE INITIAL(S) <i>J.</i>	
ADDRESS [REDACTED]			
CITY [REDACTED]		STATE [REDACTED]	ZIP CODE [REDACTED]
OPERATOR LICENSE NO./STATE ID <i>N/A</i>		STATE	EXP. DATE (Month/Day/Year)
YEAR OF BIRTH [REDACTED]	HEIGHT	WEIGHT	ETHNICITY (optional)
SEX [REDACTED]	SSN-last 4 digits (required by HRS 803-6(c)(2)) xxx - xx - [REDACTED]		
CONTACT PHONE NUMBER(S) [REDACTED]	MILITARY SERV. <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	MILITARY ID (last 4 characters) <i>N/A</i>	
EMPLOYER (if driving company vehicle) <i>N/A</i>			

VEHICLE/VESSEL NO. INFORMATION			
LICENSE PLATE/IN [REDACTED]	STATE/COUNTRY <i>HI</i>		HAZ MAT <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
MAKE/NAME/MODEL <i>2017 KIA NISSA</i>	TYPE <i>ROV</i>	COLOR <i>YELLOW</i>	YEAR <i>2017</i>
CMV <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			

DETAILS REGARDING THE OFFENSE(S) CHARGED			
DATE (Month / Day / Year) <i>9/18/2025</i>	TIME <i>0922</i>	DISTRICT <i>KONA</i>	BEAT <i>N/A</i>

LAW(S) VIOLATED & COMMITTED	
SECTION <i>HAR 13-60.4-5(d)(1)</i>	DESCRIPTION <i>KAUULEHU NO TAKE</i>
SECTION <i>HAR 13-60.4-5(d)(2)</i>	DESCRIPTION <i>KAUULEHU POSSESS LIFE</i>
SECTION <i>HAR 13-60.4-5(d)(3)</i>	DESCRIPTION <i>KAUULEHU GEAR</i>
SECTION <i>HAR 13-60.4-5(d)(4)</i>	DESCRIPTION <i>DEPLOY</i>
	DESCRIPTION <i>KAUULEHU FISHING GEAR</i>

OFFICER

OFFICER'S STATEMENT OF FACTS

9/18/2025 APPROX 0922 HOURS:

LAIPO MATTHEY [REDACTED] of KAPAAU, HI WAS OBSERVED ON THE SHOULDER OF KAULELEHU MARINE RESERVE, DISTRICT OF NORTH KONA, COUNTY AND STATE OF HAWAII TAKING LIFE (OPIHI) WITHIN THE KAULELEHU MARINE RESERVE (NO TAKE ZONE), POSSESSION OF LIFE WITHIN KAULELEHU MARINE RESERVE (1,356 OPIHI), POSSESSION OF FISHING GEAR WITHIN KAULELEHU MARINE RESERVE, AND DEPLOYING FISHING GEAR WITHIN KAULELEHU MARINE RESERVE. THESE ARE VIOLATIONS OF THE FOLLOWING:

HAR 13-60.4-5(d)(1)

HAR 13-60.4-5(d)(2)

HAR 13-60.4-5(d)(3)

HAR 13-60.4-5(d)(4)

Description of Evidence Seized: *OPIHI X*

1356

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I agree to appear before the District Court of the Third Circuit on the date and at the time and location designated below to answer the charge(s). I understand that my signature is not an admission to the charge(s).

X _____ DEFENDANT REFUSES TO SIGN

Defendant's Signature (Please read instructions on the reverse side)

The Defendant is hereby directed to appear before the District Court of the Third Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

SUMMONS		
COURT LOCATION (see addresses on reverse side)		
<input type="checkbox"/> N/S KOHALA & HAMAKUA	<input type="checkbox"/> N/S HILO & PUNA	<input checked="" type="checkbox"/> N/S KONA & KAU
DATE <i>11/6/2025</i>	TIME <i>0800</i>	

COMPLAINING OFFICER INFORMATION	
I certify that I served Defendant on the date, time and place indicated on this citation.	
PRINT RANK, FIRST INITIAL & LAST NAME <i>CERLOID LESTEBAN</i>	ID NO. <i>214</i>
OFFICER'S SIGNATURE <i>[Signature]</i>	DATE OF ISSUANCE <i>9/18/2025</i>

OFFICER



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

Log Number HA-25-01063	District NORTH KONA (HAWAII)	Lead Investigator RZEWNICKI, DAVID - RZEWD
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

Investigation Report

Fishing Hunting Boating Drug Rel. Forestry NOAA JEA Land - OCCL CWRM Historic State Parks KAIC Other

BASIC
 Classification 13-60.4-5(d)(1)
TAKE OR ATTEMPT TO TAKE ANY SPECIMEN OF AQUATIC LIFE UNLE!
 Source PHONE
 PHONE

Location of Incident / Intersecting Street
 X-Street:
 Island **HAWAII** Branch **HAWAII**
 Date / Time Occurred From **9/18/2025 0922** Date / Time Occurred to **9/18/2025 1740**

Category **MARFMA** Weather **CLEAR**
MARINE FMA **CLEAR**

WEAPONS USED:

INVOLVED VEHICLES

Type	Vessel/Boat	Year	Make	Model	Color	License / HA Number	Length	Involvement	SUSPV
BOAT		2001			YEL		15.1		SUSPECT VEHICLE

Person/Vehicle Involvement
 OWN/OP
CARVALHO, TOBY OWN/OP
 PASS
SOLOMON-LEWIS, KEAUPILILANI PASS
 PASS
BOTEHLO-MATTHEY, KAIPO PASS
 PASS
CARVALHO, BRANDON PASS

INVOLVED VESSELS / BOATS

U.S.C.G. Number	Vessel Name	Use	Length	Beam	Weight	Involvement Code
	N/A	PL	15.1			SUSPV
Propulsion	Engine Type	Number of Engines	Hull Type	Draft	Registration Number	State
OB	OP	1X60	FI	Forward		HI

PERSONS

Name (Last, First, Middle) **CARVALHO, BRANDON** Juvenile Sex Race Age Date of Birth

Address

Category **CITED** CODE: CIT Home Phone Other Phone

Name (Last, First, Middle) **CARVALHO, TOBY J** Juvenile Sex Race Age Date of Birth

Address

Category **CITED** CODE: CIT Home Phone Other Phone

Name (Last, First, Middle) **BOTEHLO-MATTHEY, KAIPO J** Juvenile Sex Race Age Date of Birth

Address

Category **CITED** CODE: CIT Home Phone Other Phone

Name (Last, First, Middle) **SOLOMON-LEWIS, KEAUPILILANI J JR** Juvenile Sex Race Age Date of Birth

Address

Category **CITED** CODE: CIT Home Phone Other Phone

Written By: **RZEWNICKI, DAVID** 10/05/2025 Approved By: *[Signature]* PAGE 1



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

Log Number HA-25-01063	District NORTH KONA (HAWAII)	Lead Investigator RZEWNICKI, DAVID - RZEWD
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
Status CITATION ISSUED	Activity Code Protected Fisheries Resources	

Name
KAUPULEHU KALAEMANO

Category LOCN	Business Address	
LOCATION OF CRIMINAL ACT		
Phone 1	Phone 2	Phone 3

SYNOPSIS

Narrative Created By / Created On RZEWNICKI, DAVID <i>[Signature]</i>	Approved By / On 10/02/2025
---	---------------------------------------

On 9/18/2025, at about 0922 hours, Keaupiliani SOLOMON-LEWIS of Kapaau, Hawaii was observed on the shoreline of the Kaupulehu Marine Reserve (KMR), in the District of North Kona, County and State of Hawaii, taking marine life within the KMR no take zone, and in possession of 1,356 Opihi within the KMR, and in possession of prohibited fishing gear within the KMR, and deploying prohibited fishing gear within the KMR, which is in violation of the following:

- Hawaii Administrative Rule 13-60.4-5(d)(1) Activities Prohibited Within Selected Areas
- Hawaii Administrative Rule 13-60.4-5(d)(2) Activities Prohibited Within Selected Areas
- Hawaii Administrative Rule 13-60.4-5(d)(3) Activities Prohibited Within Selected Areas
- Hawaii Administrative Rule 13-60.4-5(d)(4) Activities Prohibited Within Selected Areas

INV. CONTINUING

ARREST / CITATION / WARNING INFORMATION

Arrest Date 09/18/2025	Person Arrested (Last Name, First, Middle) SOLOMON-LEWIS KEAUPILILANI J	Juvenile
Ticket / Complaint Number 3083062LNR	Tracking Number	Arrest Disposition CITATION
Primary Charge 13-60.4-5(d)(1) TAKE OR ATTEMPT TO TAKE ANY SPECIMEN OF AQUATIC LIFE UNLESS	Count(s) 1356	Bail
Arresting Officer 1 RZEWD RZEWNICKI, DAVID	Arresting Officer 2	Blood / Alcohol <input type="checkbox"/> Arrest <input type="checkbox"/> Summons <input type="checkbox"/>
Secondary Charge(s)		
Charge 13-60.4-5(d)(2)	Count(s) 1	Description POSSESS ANY SPECIMEN OF MARINE LIFE OT
Charge 13-60.4-5(d)(3)	Count(s) 1	Description POSSESS OR USE ANY FISHING GEAR OTHER
Charge 13-60.4-5(d)(4)	Count(s) 1	Description DEPLOY ANY FISHING GEAR SHOREWARD OF

RESPONDING / INVOLVED UNITS, OFFICERS, AND TIMES

Division	Supervisor	Officer / ID (Ofcr 1 / Ofcr 2)	Officer / ID (Ofcr 3 / Ofcr 4)
HAWA	Elvenia, Daniel L		ELVED
618-24	RZEWNICKI, DAVID	RZEWD	
6-23	WOODS, KELLY A	WOODKA	
6-5422	ESTEBAN J.K. DUSTAN	ESTADJ	
6-27	Elvenia, Daniel L	ELVED	
6-5622	PILA B. GERARD	PILAGB	

Written By: **RZEWNICKI, DAVID** *[Signature]* #288
 10/05/2025

Approved By: *[Signature]*

PAGE 2



Log Number HA-25-01063	District NORTH KONA (HAWAII)	Lead Investigator RZEWNICKI, DAVID - RZEWD
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
Status CIT CITATION ISSUED	Activity Code Protected Fisheries Resources	

INVESTIGATION

Narrative Created By / Created On RZEWNICKI, DAVID <i>[Signature]</i> #280	10/02/2025	Approved By / On <i>[Signature]</i>
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CONNECT - UP - REPORT

This report is a Connect-up Report to Master Report number **HA-25-01043**. All investigations will be consolidated under the Master Report. **Kaipo J. BOTEHLO-MATTHEY** [REDACTED] is the primary suspect in **Connect-up Report Number HA-25-01058**. For additional details, refer to the **Master Report Number HA-25-01043**.

ASSIGNMENT

On 9/18/2025, at about 0922 hours, while conducting patrols along the Kona Coast shoreline, Officer ESTEBAN received a call from Kara DUMAGUIN [REDACTED] reporting a vessel dropping off three unidentified males on the shoreline to pick Opihi in the Kaupulehu Marine Reserve (KMR). DUMAGUIN provided photos of this incident to Officer ESTEBAN. I assisted Officer ESTEBAN with this case.

INFORMATION

The Kaupulehu Marine Reserve (KMR) is a protected area on the west coast of Hawaii Island, established in 2016, to allow for the recovery of reef fish populations. It encompasses a 3.6-mile stretch of coastline and features a ten year no-take period, meaning fishing and the taking of any aquatic life is prohibited within its boundaries.

The rule prohibits the take or possession of any aquatic life within the reserve boundaries, from the shoreline, seaward to the 20-fathom (120 foot) depth contour. Beyond the 20-fathom depth contour, hook and line fishing is allowed for the following species: 'opakapaka, kalekale, lehi, gindai, onaga, ehu, hapu'upu'u, uku, nabeta, aku, ahi and tombo, a'u, ono, mahimahi, ta'ape, toau, and roi. In addition, Kona crab may be taken by Kona crab net.

The rule also prohibits the possession or use of any fishing gear other than hook and line and/or Kona crab net within the reserve and the deploying of any fishing gear shoreward of the 20-fathom depth contour.

SCENE / ARRIVAL

The scene of this case takes place at the north end of the Kaupulehu Marine Reserve, in the District of North Kona, in the County and State of Hawaii. The scene is further described as approximately 100 yards south of the KMR north boundary line.

Officer WOODS staged and made observations from the KMR shoreline. I staged alongside Queen Kaahumanu Highway (HWY 19) with Officer ESTEBAN, to get a better vantage point overlooking the

Written By: RZEWNICKI, DAVID <i>[Signature]</i> #280	10/05/2025	Approved By: <i>[Signature]</i>	PAGE 3
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Log Number HA-25-01063	District NORTH KONA (HAWAII)	Lead Investigator RZEWNICKI, DAVID - RZEWD
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
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KMR. We arrived on scene at about 1015 hours.

OFFICER OBSERVATIONS

Upon arriving on scene, Officer ESTEBAN and I observed a smaller vessel, approximately 16-17 ft. in length, with a yellow hull, with 2 fishing poles in pole holders, and a single outboard engine. This vessel fit the description of the vessel involved in this case. The vessel was observed lingering offshore of the KMR. The vessel then headed in a southerly direction, then changed direction to the north and started operating in circles. After observing the vessel for approximately 30 minutes, the vessel started to head north, in the direction of the Kawaihae Small Boat Harbor (SBH). At this time, Officer ESTEBAN and I followed the vessel north, along the roadway, in our patrol vehicle.

At about 1130 hours, Officer ESTEBAN and I observed the vessel stop just offshore of the Hilton Waikoloa Resort. Officer ESTEBAN and I pulled into the Hilton Waikoloa Resort Road and staged on the shoreline just makai of the Kamuela Provision Company. Through his binoculars, Officer ESTEBAN observed 4 unidentified males on board the vessel. From his vantage point, Officer ESTEBAN confirmed, through pictures and the description given to him by DUMAGUIN, that these were the same individuals that were allegedly harvesting Opihi within the KMR no take zone.

Officer ESTEBAN observed two of the males on the vessel jump into the water with what looked to be spearfishing gear, and two other males remained on the vessel. At about 1310 hours, Officer ESTEBAN observed the vessel pick up the two unidentified males from the water and continue north towards the Kawaihae SBH.

At about 1300 hours, Officer WOODS and I took her patrol vehicle to the Kawaihae SBH while Officer ESTEBAN remained near the Hilton Waikoloa Resort.

At about 1425 hours, Officer WOODS, Officer PILA, and I watched the suspect vessel pull into the Kawaihae SBH. Officer WOODS, Officer PILA, and I contacted the vessel after it came into the docks at the boat launch.

Officer WOODS contacted the operator of the vessel, he identified himself as Toby J. CARVALHO. Officer WOODS advised CARVALHO that she would be conducting a standard safety boarding of his vessel. (See Report # HA-25-010043 and Report of Boarding Form)

After the standard safety boarding, Officer WOODS, Officer PILA, and I advised CARVALHO that we would like to inspect their catch. The other three men were out of the boat at this time. CARVALHO seemed excited to show us the fish that they caught that was in their fish bag and cooler. The bag contained multiple legal fish and an octopus.

CARVALHO seemed less excited to show us the Opihi that was in the four bags in the back of the boat. The bags of Opihi seemed to be covered strategically by a few flotation cushions. After discussing and

Written By: **RZEWNICKI, DAVID**
10/05/2025

[Signature] # 280

Approved By:

[Signature]



Log Number HA-25-01063	District NORTH KONA (HAWAII)	Lead Investigator RZEWNICKI, DAVID - RZEWD
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
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directing CARVALHO'S attention to the Opihi, he moved the flotation cushions exposing the bags of Opihi.

SUSPECTS CONTACTED / INFORMATION

The suspect I interviewed in this case was identified by his Hawaii driver's license as the following:

NAME: CARVALHO, Toby J. [REDACTED]

DOB: [REDACTED]

ADDRESS: [REDACTED]

SSN: [REDACTED]

PHONE: [REDACTED]

On 9/18/2025, at 1455 hours, prior to my interview with CARVALHO at the Kawaihae SBH, I identified myself and asked him if he was willing to speak to me about the incident that was currently being investigated. CARVALHO said that he was willing to speak to me. At this time, I advised CARVALHO of his rights.

ADVICE OF RIGHTS

On 9/18/2025, at 1455 hours, while at the Kawaihae SBH, I read CARVALHO his rights, verbatim, from a State of Hawai'i Department of Land and Natural Resources Division of Conservation and Resources Enforcement Advice of Rights (AOR) form. (Attached) CARVALHO responded to each question as indicated below by placing his initials next to each answer:

- 1) Do you understand the rights that I have just read to you? To which he initialed **YES**.
- 2) Do you want a lawyer now? To which he initialed **NO**.
- 3) Are you willing to answer questions and make a statement? To which he initialed **YES**.
- 4) Do you want a lawyer during this interview? To which he initialed **NO**.

The AOR form was signed and acknowledged by CARVALHO in my presence on 9/18/2025 at 1457 hours.

As a lawyer was not requested, the interview proceeded. (Refer to attached DOCARE-AOR Form for documentation)

SUSPECT STATEMENT-CARVALHO, TOBY:

Written By: **RZEWNICKI, DAVID**
10/05/2025 [Signature]

Approved By: [Signature]



Log Number HA-25-01063	District NORTH KONA (HAWAII)	Lead Investigator RZEWNICKI, DAVID - RZEWD
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On 9/18/2025, at 1501 hours, while at the Kawaihae SBH, I obtained a voluntary, verbal statement from CARVALHO regarding the observed Opihi picking within the KMR no take zone. The following is a summary of that statement:

- CARVALHO said that they launched their vessel at "sun-up/daylight," between "0630-0700" hours.
- CARVALHO said that they arrived near the north boundary of the KMR at about "0800-0830" hours.
- CARVALHO said that he dropped the other three men off on shore this morning, to harvest Opihi, north of the KMR north boundary.
- CARVALHO said that the men went south but there was "still room" for them to pick Opihi prior to the boundary marker.
- CARVALHO said that the men were "out of sight" and he did not see where they were picking.
- CARVALHO said that the men picked Opihi for about an hour.
- CARVALHO said that he did not pick any Opihi himself.
- CARVALHO said that he was fishing while the other men were picking Opihi. When questioned about fishing in the closed area, CARVALHO said that he might have drifted into the closure.
- CARVALHO said that he does not see well, and at one point, he headed into the shore with the vessel to pick up one of his friends, but once he got real close to shore, he realized that the person he saw was an "aunty" and not one of his friends, so he immediately backed away from the shore.
- CARVALHO said that they did not use a dive flag.

CATCH INSPECTION

On 9/18/2025, at about 1520 hours, while at the Kawaihae SBH, I performed a catch inspection on one of the bags (white cloth bag) of harvested Opihi.

The results of the catch inspection are as follows:

The bag that I inspected contained 735 Opihi. (See Photo Record)

Of the four bags containing the Opihi, a total of 4,069 Opihi were counted. Due to the fact that none of the three suspects that had picked Opihi took ownership for any particular bag, and none of them admitted to who had picked what, and how much, Officer ESTEBAN split the responsibility three ways. Putting each suspect in possession of 1,356 Opihi.

INFORMATION

Written By: **RZEWNICKI, DAVID**
10/05/2025

Approved By:



Log Number HA-25-01063	District NORTH KONA (HAWAII)	Lead Investigator RZEWNICKI, DAVID - RZEWD
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On 9/18/2025, at about 1700 hours, all 4,069 of the Opihi that were recovered during this investigation were given to Kaikea NAKACHI [REDACTED] NAKACHI is the Vice President of the Kaupulehu Marine Life Advisory Committee (KMLAC). NAKACHI ensured the proper return of all Opihi to their original place to maximize each Opihi's chance of survival.

CITATION ISSUED

On 9/18/2025, at about 1730 hours, I was asked by Officer WOODS to issue citation 3083062LNR to SOLOMON-LEWIS for the following violations:

- Hawaii Administrative Rule 13-60.4-5(d)(1) Activities Prohibited Within Selected Areas
- Hawaii Administrative Rule 13-60.4-5(d)(2) Activities Prohibited Within Selected Areas
- Hawaii Administrative Rule 13-60.4-5(d)(3) Activities Prohibited Within Selected Areas
- Hawaii Administrative Rule 13-60.4-5(d)(4) Activities Prohibited Within Selected Areas

It should be noted that Officer WOODS advised SOLOMON-LEWIS of his Advice of Rights, he declined to speak to her. (See Report # HA-25-01043) It should also be noted that SOLOMON-LEWIS provided his name and identifying features to me, specifically spelling them out to me. SOLOMON-LEWIS also reviewed and confirmed his personal information again when I issued him his citation, he acknowledged and signed the citation without incident. A check though criminal records showed that in the past, SOLOMON-LEWIS had spelled his first name as "Keaupililani" and provided a different social security number ending in [REDACTED] SOLOMON-LEWIS is summoned to appear in Kona District Court on November 6th, 2025 at 0800 hours. A copy of citation 3083062LNR was given to CARVALHO.

PHOTOGRAPHS

Photographs of this incident were taken. Refer to photographic record attached to this report for further information.

DISPOSITION

In view of the above information and being that there is no further investigation to be conducted in this case, and being that a citation was issued, I recommend this case be closed; citation issued.

PLEASE ROUTE A COPY OF THIS REPORT TO THE KONA PROSECUTOR'S OFFICE

CLOSED: CITATION ISSUED

Written By: RZEWNICKI, DAVID
10/05/2025 [Signature] # CBO

Approved By: [Signature]



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

Log Number HA-25-01063	District NORTH KONA (HAWAII)	Lead Investigator RZEWNICKI, DAVID - RZEWD
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
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Written By: **RZEWNICKI, DAVID**
10/05/2025

[Handwritten signature] #200

Approved By:

[Handwritten signature]

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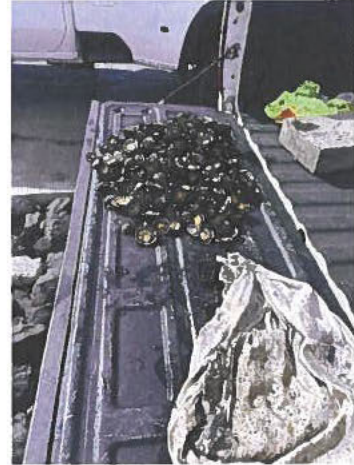


Log Number HA-25-01063	District NORTH KONA (HAWAII)	Lead Investigator RZEWNICKI, DAVID - RZEWD
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IMAGES



View showing white bag of Ophi to be counted.



View showing Ophi removed from the white bag.



View showing counted Ophi in piles of 50.



View showing final pile of 35 Ophi.

Written By: RZEWNICKI, DAVID
10/05/2025

Approved By:



Log Number HA-25-01063	District NORTH KONA (HAWAII)	Lead Investigator RZEWNICKI, DAVID - RZEWD
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
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View showing closeup of undersize Opihi.



View showing bags of Opihi hidden by flotation cushions in the boat.



View showing CARVALHO pulling away flotation cushions to reveal bags of Opihi.



View showing bags of Opihi in back of boat open to view.

Written By: **RZEWNICKI, DAVID**
10/05/2025

David Rzewnicki #240

Approved By:

David Rzewnicki



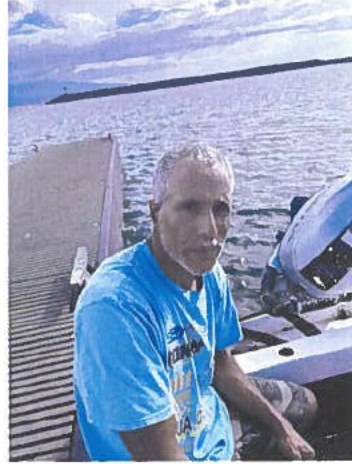
State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-01063	District NORTH KONA (HAWAII)	Lead Investigator RZEWNICKI, DAVID - RZEW
Date/Time Reported 09/18/2025 0922	Location KAUPULEHU KALAEMANO	Incident Type Prohibited Fishing in a Closed Area
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IMAGES



View showing photo of Keaupillilani SOLOMON-LEWIS.

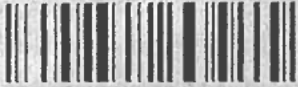


View showing photo of Toby CARVALHO.

Written By: **RZEWNICKI, DAVID**
10/05/2025

Approved By:

State of Hawaii-Criminal Citation; Arrest & Summons in the District Court of the Third Circuit



CITATION NO.: **3083062**

AGENCY / TYPE

- Airport (A) Harbor/Boating (H)
 Animal Lic. (DL) Animal Industry (DAI)
 Plant (DPI) DLNR (LNR) MH

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

DEFENDANT ID on Person Y N

LAST NAME: **SOLOMON LEWIS**
 FIRST NAME: **KEAUPULIANZ** MIDDLE INITIAL(S):
 ADDRESS: [REDACTED]
 STATE: [REDACTED] ZIP CODE: [REDACTED]
 OPERATOR LICENSE NO./STATE ID: [REDACTED] STATE: [REDACTED] EXP. DATE (Month/Day/Year):
 YEAR OF BIRTH: [REDACTED] HEIGHT: [REDACTED] WEIGHT: [REDACTED] ETHNICITY (optional):
 SEX: [REDACTED] SSN-last 4 digits (required by HRS 803-6(c)(2)): [REDACTED] XXX - XX: [REDACTED]
 CONTACT PHONE NUMBER(S): [REDACTED] MILITARY SERV. Y N MILITARY ID (last 4 characters):

EMPLOYER (if driving company vehicle): **NOT EMPLOYED**

VEHICLE/VESSEL NO. INFORMATION

LICENSE PLATE/VIN: [REDACTED] STATE/COUNTRY: **HI** HAZ MAT Y N
 MAKE/NAME/MODEL: **ALTE KAE** TYPE: **DMB** COLOR: **Yel** YEAR: **01** CMV Y N

DETAILS REGARDING THE OFFENSE(S) CHARGED

DATE (Month / Day / Year): **09/18/25** TIME: **0922** DISTRICT: **N. KONA** BEAT:

LAW(S) VIOLATED & COMMITTED

SECTION	DESCRIPTION
HAR 13-60.4-5(1)	KAUPULEHU No TAKE
HAR 13-60.4-5(2)	KAUPULEHU Possess Life
HAR 13-60.4-5(3)	KAUPULEHU Possess Fishing Gear
HAR 13-60.4-5(4)	KAUPULEHU Deploy Fishing GEAR

COURT

OFFICER'S STATEMENT OF FACTS

On 09/18/2025 at approximately 0902 Hours KEAUPULIANZ Solomon Lewis of [REDACTED] was observed on the shoreline of KAUPULEHU Marine Reserve in the North Kona District, County and State of Hawaii. Taking Life (Opili) within the KAUPULEHU MARINE Reserve (No Take Zone) Possession of Life within the KAUPULEHU Marine Reserve (1356 Opili) Possession of fishing gear within KAUPULEHU Marine Reserve and deploy fishing gear within the KAUPULEHU Marine Reserve. These are violations of the following: HAR 13-60.4-5(1) HAR 13-60.4-5(2) HAR 13-60.4-5(3) HAR 13-60.4-5(4) Refer to investigation report for further information.

Description of Evidence Seized: **1356 Opili.**

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I agree to appear before the District Court of the Third Circuit on the date and at the time and location designated below to answer the charge(s). I understand that my signature is not an admission to the charge(s).

[Signature] DEFENDANT REFUSES TO SIGN
 Defendant's Signature (Please read instructions on the reverse side)

The Defendant is hereby directed to appear before the District Court of the Third Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

SUMMONS

COURT LOCATION (see addresses on reverse side)
 N/S KOHALA & HAMAKUA N/S HILO & PUNA N/S KONA & KAU
 DATE: **11/06/2025** TIME: **0800**

COMPLAINING OFFICER INFORMATION

I certify that I served Defendant on the date, time and place indicated on this citation.
 PRINT RANK, FIRST INITIAL & LAST NAME: **CRCO D. RZEWICKI** ID NO: **280**
 OFFICER'S SIGNATURE: [Signature] DATE OF ISSUANCE: **09/18/25**

COURT

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

ADVICE OF RIGHTS

Report/Citation # HA-25-01063
HA-25-01043

I am a Conservation Enforcement Officer. I want to inform you of your rights.

1. You have the right to remain silent. You do not have to answer any questions.
2. Anything you say may be used against you in a court of law.
3. You have the right to talk to a lawyer before we ask you any questions and to have him with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. If you decide to answer the questions now without a lawyer present, you will still have the right to stop answering at any time and talk to a lawyer.

The Advice of Rights was administered to TOBY S CARVALHO 9-4-72
By Dario Rzewnicz
Conservation Enforcement Officer

KAWAIAHAE HARBOR 9-18-25 1455
Location Date Time

WAIVER OF RIGHTS

1. Do you understand the rights that I have just read to you? Yes T.C No _____
2. Do you want a lawyer now? Yes _____ No T.C
3. Are you willing to answer questions and make a statement? Yes T.C No _____
4. Do you want a lawyer during this interview? Yes _____ No T.C

Dario Rzewnicz [Signature]
Witness Subject's Signature
9-18-25 1457 9/18/25 2:57
Date Time Date Time

Refused to sign / / _____

All the foregoing was translated into _____

By _____ Remarks: _____

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

ADVICE OF RIGHTS

Report/Citation # HA-25-01043

I am a Conservation Enforcement Officer. I want to inform you of your rights.

1. You have the right to remain silent. You do not have to answer any questions.
2. Anything you say may be used against you in a court of law.
3. You have the right to talk to a lawyer before we ask you any questions and to have him with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. If you decide to answer the questions now without a lawyer present, you will still have the right to stop answering at any time and talk to a lawyer.

The Advice of Rights was administered to Keaupilikani Solomon Lewis

By K. Woods #2102
Conservation Enforcement Officer

Kawaihae Harbor 09/18/2025 1500
Location Date Time

WAIVER OF RIGHTS

Initial

1. Do you understand the rights that I have just read to you? Yes KSL No
2. Do you want a lawyer now? Yes No KSL
3. Are you willing to answer questions and make a statement? Yes KSL No
4. Do you want a lawyer during this interview? Yes KSL No

Witness

Keaupilikani Solomon Lewis
Subject's Signature

Date

Time

09-18-25
Date

3:04
Time

Refused to sign / /

All the foregoing was translated into

By

Remarks: