

Karen R. Boyer | Community Member

Written Testimony -- BLNR Meeting, June 26, 2026 -- Item J-5

OPPOSE J-5 -- Grant Kate Thompson a Contested Case Hearing

Aloha Chair Kanaka'ole and Members of the Board of Land and Natural Resources,

My name is Karen Boyer. I am a community member, a Registered Nurse, and a Professor of Nursing at Kāpiolani Community College. I have been testifying on the parking enforcement system at Ala Wai Small Boat Harbor for more than three years -- before this Board, before the Legislature, and before the Waikiki Neighborhood Board. As far back as 2023, I called the tow-first enforcement system at this harbor corrupt, and I even filed a request for a Contested Case Hearing myself -- in August 2023. The record has only grown stronger since.

Having served on the Board of Nursing, and I know from that experience that when something goes wrong in a system, the answer is not to look away. You research it. You get more testimony. You make a record. I understand that many people who care deeply about this issue work full-time and cannot spend an entire day waiting for a J-item that may be called late in the afternoon. The burden of participation falls hardest on the people with the least resources -- and those are exactly the people being towed.

Kate Thompson has done the research. She has the documents. She has spent years building the record that this Board has not yet examined on a formal legal basis. A Contested Case Hearing would allow that record to be put under oath -- and would require the Board to formally answer questions it has so far avoided: Why have there been virtually no parking citations at Ala Wai Small Boat Harbor for years? What is the Board's responsibility to fill that gap -- through contract, through rule, or by asking the Governor for an Executive Order? These are not abstract questions. They affect thousands of people who park on public trust land and deserve a fair enforcement system.

I oppose Item J-5. Please grant Kate Thompson a Contested Case Hearing.

Respectfully,

Karen R. Boyer, RN, MN, FNP

Professor of Nursing / Academic Administrator

Kāpiolani Community College | 808.734.9569

SUPPORTING EXHIBIT: Previous Testimony by Karen R. Boyer

The following pages contain testimony and filings previously submitted by Karen R. Boyer on the same subject matter before this Board.

Testimony Submitted: December 4, 2023

To: BLNR.testimony@hawaii.gov | Re: Item J-7 -- Secure Parking Contract Renewal

Dear esteemed BLNR Board Members,

Please note my strong opposition to Item J-7 to renew the Secure Parking contract for the Ala Wai Small Boat Harbor area.

Parking Access and Signage:

There are several important issues at hand, including further research into DOBOR and the unfulfilled 2008 negotiated Ala Wai Small Boat Harbor recreational access agreement to keep parking accessible for the public for open ocean access.

Between 2007 and 2008, during a state-funded mediation process, hundreds of citizens gave their testimony. The Board of Land and Natural Resources fully addressed this matter in 2008 and all parties agreed to the maintenance of the 300 free parking stalls.

DOBOR's obligations in the formal 2008 agreement included:

1. Provide standard parking management -- monitor the 6-hour recreational time limit by providing parking attendants who issue citations, parking signage on poles, and ground striping.
2. Provide an ad hoc committee (Community and DOBOR Staff) to continue to refine parking signage and implement policies to improve and protect this beach access.

Corrupt Practices in Towing:

Another significant concern includes the instant towing policies of DOBOR/DLNR/BLNR, which are a corrupt process wherein only cash is allowed as payment and no records are available. Predatory towing practices are illegal and DLNR allows it to happen on a daily basis at the Ala Wai Small Boat Harbor.

We remain vigilant in requesting DOBOR to fulfill their promises from 2008.

Thank you Board Members for the opportunity to submit testimony on these issues.

Karen R. Boyer, RN, MN, FNP

Professor of Nursing / Interim Dean of Health Academic Programs

Kāpiolani Community College | Ilima 206 | 808.734.9569

Community Member Karen Boyer -- Contested Case Hearing Document submitted, 08-21-2023

Rationale: The Need for Parking Citations at the Ala Wai Small Boat Harbor

August 21, 2023

There can be no question that towing is much more of an onerous punishment than a ticket, in terms of inconvenience as well as cost. It follows that a tow should be used only in circumstances where the vehicle to be towed presents a danger to public safety (such as parking in front of a fire hydrant), or significantly impairs rush hour traffic, or has been abandoned for more than 24 hours -- a guideline used by the Honolulu Police Department for similar public parking areas near Kāpiolani Park.

At the Ala Wai Small Boat Harbor, a State of Hawaii property, the current parking signage, pavement striping, and general information such as a harbor map are poor, misleading, or nonexistent. There needs to be an official third-party evaluation of the signage in the harbor.

Currently, about 10 cars a day are being towed from the Ala Wai Small Boat Harbor, which is a small portion of the parking lot capacity (941 public stalls), and therefore not creating a danger to the public. Wrongly parking in a boat owner-permitted stall, or a meter expiration in the paid public stalls, does not affect public safety -- citations should be written for a cost appropriate to the violation and consistent with other government-owned parking areas in the State of Hawaii.

Parking area	Property	Manager of the parking	Cost of an Expired Meter Violation
Iolani Palace & State Capitol	State of Hawaii	DAGS (State Agency)	\$40.00
Honolulu Zoo	City & County	ProPark	\$20.00
Frank Fasi Municipal	Honolulu City & County	Parking Div. Expired Meter	\$35.00
Ala Wai Small Boat Harbor	State of Hawaii Dept. of Land and Natural Resources	Secure Parking LLC with an electronic connection to Mr. Tow LLC.	\$165.00 plus* Vehicle tow charge, * late hours fee, * ride/taxi to Tow yard, * ATM fee due to tow yard demand for 'cash only'

The table above in words: ProPark Inc. is contracted by the City and County Parks Department to manage the parking lot at the Honolulu Zoo. They give a \$20.00 ticket for an expired meter. The Department of Accounting and General Services manages the parking in downtown Honolulu at the Iolani Palace and the cost of a meter overstay is \$40.00. At the Frank Fasi municipal parking lot the meter overstay is \$35.00. Tow cost from the Ala Wai Small Boat Harbor to the Mr. Tow yard \$165.

Therefore, I submit that the Department of Land and Natural Resources, and the Attorney General, should designate an officer, or the hired parking attendant, to give a more reasonable citation, in the range of \$25.00 to \$35.00 for meter overstays and for those you paid for parking but wrongly parked in the permitted (boat owner) stalls at the Ala Wai Small Boat Harbor.

A ticketing phase in the Ala Wai Small Boat Harbor is a necessary step in the parking enforcement process, to align with similar parking practices in Honolulu, Hawaii. The stark contrast in the cost of a tow, incurred by patrons of the harbor, shows the inequity of the parking system, designed and condoned by the Division of Boating And Ocean Recreation and the

Department of Land and Natural Resources, in Revocable Permits and contracts approved by the State Attorney General's Office.

Many people who park at the Ala Wai Small Boat Harbor make parking errors due to the confusing signage. This violates the duty of Secure Parking Hawaii LLC to Revocable Permit of September 15th, 2021, Minimum duties on Pg. 13 Exhibit B; "To ensure proper parking signage is displayed throughout the Premises." I would like the opportunity to present photos of the signage and ground striping issues in a Contested Case Hearing.

Remedy:

Before any Revocable Permits or Contracts can be written between DLNR and a parking vendor for the Ala Wai Small Boat Harbor, the Attorney General's office needs to clarify who has the authority to ticket, especially for an 'Expired Meter' violation, and for those who paid, but failed to park in the correct type of stall. In addition the AG's office needs to clarify who has the authority to 'approve a tow' which might be a DOCARE agent, Parking Vendor or Tow Truck Driver. Plus, the AG's office needs to clarify if the Tow Company can demand Cash Payment, since the 2020 law says the Tow Company must accept the client's choice of Credit Card, Debit Card or Cash.


Signature K. Boyer _____

Submitted Community members, requesting a Contested Case Hearing (attached) regarding the J-1 Submittal for the Continuation of the Revocable Permit for Secure Parking LLC, presented at the Board of Land and Natural Resources meeting on August 11, 2023.

SUPPORTING EXHIBIT: Official CCH Petition Filed by Karen R. Boyer

State of Hawaii -- Board of Land and Natural Resources
 Petition for a Contested Case Hearing | Filed August 21, 2023 | Item J-1

Karen



STATE OF HAWAII
 BOARD OF LAND AND NATURAL RESOURCES

PETITION FOR A CONTESTED CASE HEARING

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

INSTRUCTIONS:

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

A. PETITIONER		
<i>8-21-2023</i> (If there are multiple petitioners, use one form for each.)		
1. Name Kama'aina Boaters (an unincorporated association), and myself	2. Contact Person Karen Boyer	
3. Address 4303 Diamond Head Road Kopiko 217	4. City Honolulu	5. State and ZIP HI 96816
6. Email kboyer@hawaii.edu	7. Phone 8087349569	8. Fax

FORM APO-11
Page 1 of 4

B. ATTORNEY (if represented)		
9. Attorney Name TBD	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

C. SUBJECT MATTER	
17. Board Action Being Contested Continuation of Revocable Permit ("Permit") Issued to Secure Parking Hawaii LLC, dba Concierge Car Wash and Traffic Monitoring Services ("Licensee") for Management of Vehicular Parking in the Designated Areas Located Within the Ala Wai Small Boat Harbor.	
18. Board Action Date 8/11/2023	19. Item No. J-1
20. Any Specific Statute or Rule That Entitles Petitioner to a Contested Case HAR 13-1-28; Hawaii constitution Article 1, Section 4 (Due Process), and Article IX, Section 4 (Preservation of a Healthful Environment)	
21. Any Specific Property Interest of Petitioner That Is Entitled to Due Process Protection Due process rights: to adequate ground and pole parking signage, a large instructional parking map, including written instructions to provide notice of parking laws and regulations; designated parking attendants who can cite/ticket, and the right to have a duly authorized state official tag cars for towing; not to be subjected to excessive or unreasonable fines for minor parking violations; and the right to a clean environment.	

22. Any Disagreement Petitioner May Have with an Application before the Board

1. Board should not have approved the revocable permit to Secure Parking Hawaii LLC because of legitimate reports that (i) signage regarding parking is inadequate, resulting in improper removal of vehicles; (ii) that State officials are not determining whether parking meters are expired before vehicles are towed/removed. Secure Parking Hawaii LLC has been a poor steward of the Ala Wai Small Boat Harbor Parking Lot because they are not patrolling the area themselves and by releasing electronic information to Mr Tow LLC, who's Tow Truck drivers to perform immediate towing, without a ticketing phase.

2. DOBOR did not adequately describe the service area in the J-1 submittal. The parking map (Exhibit A2) is inaccurate and could lead to additional and wrongful towing. The general parking signage in the harbor is very poor with only an 8 1/2 x 11 printed map on the Harbormaster's Office door, which is faded, not to scale, and a different color key than the map in the J-1 submittal. Also, a new designation of commercial permit offered by Secure Parking LLC has never been proposed to the Board of Land and Natural Resources for approval and yet commercial vehicles in the harbor display the Secure Parking permit on their windshield. Tour company trucks have been parking in the Permit Lot E, the triangle parking lot, which is likely a decision by DOBOR Administrator's without a request to the Board of Land and Natural Resources.

23. Any Relief Petitioner Seeks or Deems Itself Entitled to

1. Revocation of the permit;
2. For the Board to engage in rule-making to establish proper use and operation of a private contractor licensed to perform the acts in connection with the revocable license, including procedures to provide adequate signage; determining when parking regulations have been violated; charging reasonable fines and fees in connection with the removal of vehicles; require licensees to require towing contractor to accept typical forms of legal tender including credit cards; require licensees to make the terms and conditions of all agreements with towing companies public, including terms regarding sharing of electronic information, and protections to ensure errors do not result in improper removal of vehicles; and require licensees of both parking and towing companies to produce monthly towing records; and agree to annual state inspection and approval of signage; and
3. Require an environmental assessment in accordance with Hawaii law, before making any changes to the parking lot unless for normal maintenance such as paving, painting, striping. New design projects and construction should require an Environmental Assessment.

24. How Petitioner's Participation in the Proceeding Would Serve the Public Interest

Preserve due process in this state-owned recreational area and preserve the public's right to beach access. In a recent public survey, half of the people who have had their vehicle towed from this harbor area say they did not receive a 'Post-Tow Hearing' form from Tow Company at the time of the vehicle pick up, which is mandatory for the Tow Company to give. Then, Secure Parking LCC staff have a mandatory responsibility to read the completed forms and attend the Post-Tow Hearings, a duty designed to assist the parking contractor to increase their understanding of the tow specifics and evaluate the parking client's complaint and ideally make improvements as needed.

25. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR

My family and I regularly use the harbor for sailing and paddling five to six times weekly. My daughter and her friends have been towed. My vehicle was hooked up to a tow truck at 10:29 pm but he had to release it because I arrived on scene by 10:30. The tow truck company is very aggressive circling during all hours apparently looking for cars that have exceeded paid parking time or are parked in incorrect and poorly marked spaces. I feel really bad for unsuspecting local families and tourists who do not aware of the ambiguous signs and rules in the area.



Outlook

[EXTERNAL] Testimony J-5 Interesting videos from the legislature and News about he LPR car and enforcement

From Steve Boyles <sboyles@mac.com>

Date Thu 6/25/2026 3:47 PM

To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

Attachment available until Jul 25, 2026

Aloha BLNR members,

Here are some relevant videos from the legislature and the news about the LPR camera car.

2021 History: BLNR Member Tommy Oi, Ed Underwood talking about Secure Parking contracts: decision about 'tickets'.

[Click to Download](#)

Tommy Oi question 2.mp4
46 MB

2) Oct 2025: Hawaii News Now
News cover the LPR 'camera car'

[Concerns raised as state approves use of 'camera car' to enforce parking at Ala Wai harbor](#)

[EXTERNAL] OPPOSE J-5

From Jason Brewster <jay_brew@icloud.com>

Date Thu 6/25/2026 12:03 AM

To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

Aloha Chair and Members of the Board of Land and Natural Resources,

My name is Jason Brewster. I live in Kalihi Valley and I use Ala Wai Small Boat Harbor to sail.

I am writing to oppose Item J-5 — DOBOR's request to deny Kate Thompson a Contested Case Hearing.

Between 2022 and 2025, 9,323 vehicles were towed from this harbor and only 34 citations were issued. That is a 99.64% tow rate. The first financial penalty is a \$165+ tow — not a warning, not a \$35 ticket. Hawai'i law caps the first parking fine at \$100.

A Contested Case Hearing would put these questions on the record, under oath, with the Attorney General able to weigh in. The public deserves transparency and a full examination of whether current enforcement practices are consistent with the law and the public interest.

Please grant Kate Thompson a Contested Case Hearing. Kate Thompson can raise these issues and represent my interests in a contested case hearing on my behalf.

Mahalo for your consideration.

Sincerely,

Jason Brewster

[EXTERNAL] OPPOSE J-5, and grant Kate Thompson a Contested Case Hearing

From krisnutritionist <krisnutritionist@gmail.com>

Date Wed 6/24/2026 7:09 PM

To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

Subject: OPPOSE J-5, and grant Kate Thompson a Contested Case Hearing

Aloha Chair Kanaka'ole and Members of the Board of Land and Natural Resources,

My name is Kristine Chung. I oppose Item J-5 -- DOBOR's request to deny Kate Thompson a Contested Case Hearing (CCH). I ask the Board to reject that request and grant the hearing.

2. 9,323 vehicles towed, only 34 citations issued at Ala Wai Small Boat Harbor -- a 99.64% tow rate. (source: government records, 2022-2025; see K. Thompson testimony)
3. DOBOR's plan for the new LPR camera car: "warning, warning, tow." No fine. No citation. The LPR vehicle should enforce parking like the Enterprise Services contract with ProPark at the Honolulu Zoo: "ticket, ticket, tow."
4. A small fine -- such as \$35.00 -- should be the first financial penalty, not a tow of \$165 or more. Hawaii law (HRS §200-14(b)) caps the first parking fine at \$100 -- yet the first financial penalty here is a \$165+ tow.
5. DOBOR says it cannot issue fines because it lacks the HARs -- yet it has never created them and the Board has never directed it to. The Legislature told them to fix it (SCR 58, 2026). Still no action.
6. DLNR should not tell the Legislature DOCARE issues citations at state harbors -- then average only 9 DOCARE tickets per year at Ala Wai Small Boat Harbor, fail to staff the harbor with DOCARE officers, and create an enforcement vacuum that led to more than 2,000 vehicles per year being towed. (source: government records, 2022-2025; see K. Thompson testimony)
7. Under Act 163 (2022), the Board retains the power to Amend the parking contract and could require a citation step before any tow. It never has. No one has explained why -- on the formal legal record.
8. A CCH is exactly how the public gets those answers -- under oath, on the record, with the Attorney General able to weigh in. Please grant Kate Thompson's petition.
9. Kate Thompson's formal analysis of DOBOR's denial recommendation identifies 12 specific failures -- including a misquoted statute, ignored Hawaii Supreme Court precedent (*Sierra Club v. BLNR*, 2025), withheld citation data, and DOBOR's own in-house attorney testifying before the Legislature that only the Attorney General can determine whether a law is needed to reinstate a citation step in sub- contracted parking management concessions. There seems to be no valid basis to deny this hearing, and I hope the Board sees this as an opportunity to formally define the law and set a fair enforcement standard for the future. (see K. Thompson testimony).

Please do the right thing for the ocean-loving citizens of Hawaii.

Sincerely,

Kristine Chung

[EXTERNAL] OPPOSE J-5, and grant Kate Thompson a Contested Case Hearing

From Samantha Happ <shappfsm16@gmail.com>

Date Wed 6/24/2026 9:40 PM

To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

Aloha Chair Kanaka'ole and Members of the Board of Land and Natural Resources,

Aloha. My name is Sam and I am a resident of Kaimuki, O'ahu. I am a regular boater/sailor out of the Ala Wai Boat Harbor for years, where I have witnessed many predatory tows.

I am writing to oppose Item J-5 and ask the Board to grant Kate Thompson a Contested Case Hearing (CCH). Ala Wai Small Boat Harbor belongs to all of us -- boaters, surfers, fishers, paddlers, and families who have used this place for generations. Between 2022 and 2025, 9,323 vehicles were towed from this harbor and only 34 citations were issued. That is a 99.64% tow rate. The first financial penalty for a parking violation is not a \$35 ticket -- it is a \$165 tow. Hawaii law (HRS §200-14(b)) caps the first parking fine at \$100. A tow of \$165 or more exceeds that ceiling before a single citation has ever been issued.

The Board has the authority -- right now -- to amend the Secure Parking Hawaii LLC contract and require a citation step before any tow. It has never done so. DOBOR's own in-house attorney testified before the Legislature that only the Attorney General can determine whether a law is needed to reinstate a citation step in sub-contracted parking management concessions. That question has never been formally answered -- not in four years, not after 9,323 tows, and not in DOBOR's denial of Kate's hearing request.

Dear Board Members:

Since becoming a regular at the Harbor, I've witnessed several illegal tows at the Ala Wai Small Boat Harbor. While parking is free in certain stalls until 10:30pm, tow trucks stake out waiting for those not returning to their cars -- some begin hooking up at 10:31pm. In other instances, unclear signage led customers of paying spots to pay in the wrong place, or park in the wrong stalls (but pay anyway), and many were towed during their "paid" parking hours, only to return to find their car gone.

These instances, among many others, create a sense of private predatory practices and mistrust. Parking policies meant to protect fair and equal access/use and incentivize behavior -- time limits on free parking stalls and closing non-permitted stalls overnight hours for lot safety, for example -- are supportive mechanisms for distributed and fair access. Along with a progressive citation system, these sorts of behavior incentive mechanisms are needed. Immediate towing, however, is punitive; it does not serve the purpose or aim of making the beach more accessible to others, nor does it make the lots safer. But it does allow for a private company to extract easy cash from the public, capitalizing on lack of clarity and loopholes in the system. We must resist this extraction of our people and our public spaces by enabling protective policies that ensure towing is a last resort.

The cost of a Tow as the first financial penalty has been allowed to go on for too long -- now is the time to correct it! Before DOBOR deploys the new LPR camera car in the recreational parking area, please require them to establish a clear citation process first before any tow.

There is no valid basis to deny this hearing. I hope the Board sees this as an opportunity to formally define the law and set a fair enforcement standard for the future.

Please grant Kate Thompson's petition(see K. Thompson testimony for more).

Kate Thompson can bring this topic to a contested case hearing on my behalf.

Thank you for your consideration.

Samantha H.

O'ahu, HI

[EXTERNAL] OPPOSE J-5 Grant the Contested Case Hearing

From ronald kewalo.org <ronald@kewalo.org>

Date Wed 6/24/2026 8:23 PM

To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

Aloha BLNR,

**Please allow Kate Thompson to have her
Contested Case Hearing.**

Mahalo for your consideration,

**Ron Iwami
Surfer**

[EXTERNAL] OPPOSE J-5, and grant Kate Thompson a Contested Case Hearing

From Kathleen Lima <kalima8123@gmail.com>

Date Wed 6/24/2026 6:25 PM

To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

Aloha Chair Kanaka'ole and Members of the Board of Land and Natural Resources,

My name is Kathleen Lima and I am a resident of Kailua. Our family has been surfing at Bowls since 2006. We also had a small boat that we launched at the Ala Wai Small Boat Harbor and have enjoyed many sails on our friend's boat out of the Ala Way Small Boat Harbor.

I am writing to oppose Item J-5 and ask the Board to grant Kate Thompson a Contested Case Hearing (CCH). Ala Wai Small Boat Harbor belongs to all of us -- boaters, surfers, fishers, paddlers, and families who have used this place for generations.

The Board has the authority -- right now -- to amend the Secure Parking Hawaii LLC contract and require a citation step before any tow. It has never done so. DOBOR's own in-house attorney testified before the Legislature that only the Attorney General can determine whether a law is needed to reinstate a citation step in sub-contracted parking management concessions. That question has never been formally answered -- not in four years, not after 9,323 tows, and not in DOBOR's denial of Kate's hearing request.

Dear Board Members: The cost of a Tow as the first financial penalty has been allowed to go on for too long -- now is the time to correct it! Before DOBOR deploys the new LPR camera car in the recreational parking area, please require them to establish a citation process first. A small kine fine -- like \$35 -- before any tow. Please set this right.

There is no valid basis to deny this hearing. I hope the Board sees this as an opportunity to formally define the law and set a fair enforcement standard for the future. Please grant Kate Thompson's petition. (see K. Thompson testimony)

Kate Thompson can bring this topic to a contested case hearing on my behalf she is knowledgeable and passionate about ocean access for all Hawaii residents.

Sincerely,

Kathleen Lima

Douglas Meller
2615 Aaliamanu Place
Honolulu, Hawaii 96813
douglasmeller@gmail.com

TESTIMONY FOR 6/26/26 BLNR AGENDA ITEM J-5

Kate Thompson 9/26/25 petition for a contested case hearing concerning a parking concession contract at Ala Wai Small Boat Harbor

The BLNR has broad discretion to approve or deny a petition for a contested case hearing by someone whose statutory rights are not affected. But before deciding, I suggest that the BLNR appoint a Permitted Interaction Group (PIG) to:

- Interview Kate Thompson;
- Interview appropriate DOBOR staff;
- Review parking management at City facilities;
- Review public testimony concerning Senate Concurrent Resolution 58 and Act 72, Session Laws of Hawaii 2026;
- Submit PIG findings and recommendations for BLNR action.

Mahalo for considering my testimony.

§92-2.5(b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to ... Investigate a matter relating to the official business of their board; provided that:
(A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;
(B) All resulting findings and recommendations are presented to the board at a meeting of the board; and
(C) Deliberation and decision-making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held no less than six business days after the meeting at which the findings and recommendations of the investigation were presented to the board....

Board Members, I respectfully submit this supplemental filing and testimony for the June 26, 2026 BLNR meeting as a record of five years of community advocacy, public records research, and good-faith engagement on parking enforcement at Ala Wai Small Boat Harbor — and I hope you will find it useful in your deliberations today. Mahalo for your service on the Board, and I respectfully request the opportunity to be heard at a Contested Case Hearing to discuss this record in full.

**SUPPLEMENTAL EVIDENCE AND LEGISLATIVE FINDINGS
IN SUPPORT OF REQUEST FOR CONTESTED CASE HEARING**

*Ala Wai Small Boat Harbor Parking Concession Enforcement and Act 163 (2022)
Compliance*

Vote No on J-5 to Deny the Request of CCH for Kate Thompson

Please Grant Kate Thompson a Contested Case Hearing

Petitioner:	Kate Thompson
Original Filing Date:	October 3, 2025
Supplemental Filed:	June 25, 2026
Hearing Date:	June 26, 2026 — BLNR Regular Meeting
Agenda Item:	J-5 — DOBOR Recommendation to Deny Request for Contested Case Hearing
Petitioner Contact:	Kate Thompson katet@icloud.com 808-383-3334
Submitted To:	Board of Land and Natural Resources State of Hawai'i 1151 Punchbowl Street, Honolulu, Hawai'i 96813
2026 BLNR Boards members	Ryan Kanaka'ole — Chairperson (also serves as the Director of the Department of Land and Natural Resources) Denise Iseri-Matsubara — Oahu Member James's "Jay" Carpio — Maui Nui Member Riley Smith — Hawai'i Island Member Karen Ono — Kauai's Member Wesley "Kaiwi" Yoon — At-Large Member Calvin Young — At-Large Member

EXHIBIT INDEX

Exhibit	What It Shows
A	HPD tow records: 9,323 vehicles towed at Ala Wai, 2022–2025
B	DOCARE parking citations: only 34 issued at Ala Wai over same period (99.64%)

	tow rate)
C	SCR 58 (2026): Legislature directs DLNR to use LPR and establish graduated citation-based parking enforcement (Deputize like DAGS)
D	DLNR Chair Case testimony on HCR 176 — parking enforcement authority should remain with sworn law enforcement officers (DOCARE) only; not private contractors
E	DLNR Chair Chang letter to Petitioner, Nov. 7, 2024 — DOCARE is short-staffed; no law permits parking vendors to issue citations; therefore, towing is used
F	SB 2726 (2022) testimony — C&C Finance Director Kawano opposed DLNR being able to write own parking concession contracts, the measure failed.
G	Act 163 (2022) enrolled text — the legal foundation for BLNR review authority
H	DAGS testimony: 5,028 citations issued, only 1 tow in all of 2025 — proof citation-first works
I	DOBOR written materials to Waikīkī Neighborhood Board, Feb. 2026 — contains misquote of HRS §200-14(b), wrongly interprets the law. 'Fine is not exceed \$100. Therefore, the fine could be \$20. or \$35. or any number under \$100.
J	Seven questions submitted to the Attorney General, January 10, 2025 — unanswered
K	Governor Ige letter, November 2022 — repeats DOBOR scarcity talking point
L	Governor Green letter, March 2025 — explicitly states cars 'will sit in the lot and prevent other patrons', repeating the scarcity talking point
M	Additional parking lot, Parcel B, dirt lot, is paid parking under RP lease to Secure Parking, photographs, May–June 2026 — lot consistently underutilized
N	Sierra Club v. BLNR (Haw. 2025) — Board's contested case obligations regarding under due process concerns, deprivation of vehicle
O	Side-by-side comparison: DLNR-Boating (9,323 tows / 34 citations) vs. DAGS (1 tow / 5,028 citations)
P	Petitioner's photographs of four vehicles towed at Mā'alaea in one hour, March 8, 2025, and a write up e-mailed to Governor Green.
Q	Video evidence of tow completed in under two minutes — reserved for contested case hearing.
R	Pilot program proposal — Petitioner asks: where will workers displaced from the Rec. area park? Petitioner proposes 30 reserved stalls in the Dirt Lot (Parcel B), monthly permit with 'Day Rate – Dirt Lot' discount, 5 a.m.–5 p.m. only; provides productive use of the lot, a fair transition phase for displaced workers, and real-world LPR citation practice. Also: DOBOR statewide revocable permit renewal of RP 157 to Secure Parking LLC, June 12, 2026.
S	Maui Police Department tow records: 743 tows, 2022–2025; March 2025 shows 2 tows vs. Petitioner's eyewitness of 4 in one hour on March 8, 2025
T	LPR camera car lease: \$183,000/year; 'Stop Instant Towing' community photo, December 7, 2023, LPR can be done by a tiny drone, do we need the LPR Vehicle?
U	HawaiiNewsNow report: community concerns over LPR camera car deployment at harbor, See link at end of document.
V	Honolulu Civil Beat, "Ala Wai Harbor Is A Major Tow-Away Zone" (June 26, 2025) — Petitioner quoted on 90% towing reduction; confirms \$165 tow vs. \$35–\$40

citation at other state lots. <https://civilbeat.org/2025/06/ala-wai-harbor-major-tow-away-zone-warning-signs/>

Dear BLNR Chairperson and Members of the Board of Land and Natural Resources:

I. INTRODUCTION

Based on Item J-1 of the September 26, 2025 Board of Land and Natural Resources meeting, I filed my original Request for a Contested Case Hearing on October 3, 2025.

As of today, I am submitting this Supplemental Statement, which is allowed per the DLNR Contested Case Hearing Request form (check box). The Board has not yet voted on my request. Since my October 3, 2025 filing, substantial new information has become available, including: legislative findings adopted through a 2026 Senate Concurrent Resolution (SCR 58, SD1, HD1); Honolulu Police Department public records documenting 9,323 vehicle tows and 34 parking citations between 2022 and 2025 from the Ala Wai Harbor; additional evidence regarding overflow parking capacity at Ala Wai Small Boat Harbor; and legislative committee reports and public testimony concerning the operation of the current parking enforcement system at State small boat harbors. Since 2022 (HCR 176), the legislature has been seeking guardrails on parking enforcement practices on State land. This Supplemental Statement is submitted to ensure that the Board's consideration of the pending request is based upon the most complete and current record available.

Citations vs. Tows — Ala Wai Small Boat Harbor
Source: Exhibit A (HPD tow records) & Exhibit B (DOCARE citations) — Government verified

Year	DOCARE Citations	Vehicles Towed	% Towed (no citation)
2022	1	1,920	99.95%
2023	4	2,305	99.83%
2024	4	2,512	99.84%
2025	25	2,586	99.04%
TOTAL	34	9,323	99.64%

At Ala Wai, if you park in the wrong spot, you are 99.64% more likely to be towed than to receive a citation.

At Ala Wai Small Boat Harbor, if you have any parking violation, you are 99.64% more likely to be towed than to receive a citation.

II. STANDING AND DIRECT INTEREST

My interest in this matter is grounded in thirty years of direct, ongoing connection to Ala Wai Small Boat Harbor. I am a retired University of Hawai'i System faculty member in Nursing and Public Health, a United States Coast Guard Licensed 50-Ton Master Captain, and a longtime member of the Ala Wai sailing community. I have continuously moored my 35-foot sailboat at this harbor and sail out of the harbor about three times a week. I have firsthand knowledge of Hawai'i's recreational harbors' importance as a public recreational resource — and of the practical effects that the current parking enforcement model has on the families, visitors, and harbor users.

My concern is also grounded in personal experience. In approximately 2009, my own vehicle was towed from Ala Wai Small Boat Harbor after I failed to properly display a paper parking permit. I accepted responsibility for that violation. I arrived at the tow yard before my car arrived; I was told I needed to pay in cash and was directed to an ATM, although my friends pitched in to loan me cash. That experience impressed upon me how quickly a minor infraction can escalate into a serious financial penalty — and the importance of ensuring that parking enforcement practices remain fair, transparent, and proportional to the underlying offense.

As co-founder and Director of Surfparking.org, I have since 2021 worked as a coalition with organizations including the Surfrider Foundation Oahu Chapter, Save Our Surf (Downing Ohana), the Free Access Coalition, Anuenue Canoe Club, harbor user groups such as Kāma'āina Boaters, and Waikīkī residents to organize community outreach, public testimony, legislative advocacy, and public-records research on harbor access and parking policy. My principal goals have been to preserve the approximately 300 free recreational parking stalls at Ala Wai Small Boat Harbor and to promote fair parking enforcement practices — including improved signage, advance notice, and citation-based alternatives to immediate towing.

My background in public health informs my understanding of how punitive and unpredictable parking enforcement systems affect community behavior, public trust, and access to shared resources. My interest in this matter is personal, professional, and ongoing. I hope to give a voice — and present receipts — to the thousands of surfers, sailors, families, and visitors who simply want to access the ocean without coming back to find their car has been towed, a \$165.00 charge waiting for them, and no way to retrieve the vehicle except to find transportation to a tow yard in Kalihi — five miles away.

III. ACT 163 (2022): THE BOARD'S REVIEW OBLIGATION IS SUBSTANTIVE, NOT CEREMONIAL

The legal foundation for this contested case request begins with Act 163 (2022), HB 1432, which amended Hawaii law to allow DLNR and BLNR to issue Direct Issuance parking concession contracts for the state small boat harbors — bypassing the standard competitive procurement requirements of Chapters 102 and 103D, Hawaii Revised Statutes.

The Legislature did not grant DLNR an unconditional exemption from competitive procurement. Act 163 was enacted only after DLNR represented that BLNR and the Attorney General would provide oversight and accountability for parking concession contracts. That oversight function was the Legislature's substitute for the competitive procurement protections that would otherwise apply. The Board's review obligation is therefore substantive rather than ministerial — it was the price the Legislature required in exchange for granting DLNR the ability to bypass normal procurement.

When the Board voted on September 26, 2025, to delegate authority to the Chairperson to "negotiate, approve, execute, manage, and extend" the parking concession — without first establishing enforcement standards — it delegated the most important decision of all: what rules will govern how the public is treated. The word "approve" in that delegation is the problem. The Board cannot delegate approval authority for a contract whose terms have not yet been set, without abdicating the substantive oversight that Act 163 requires.

Critically, Act 163 already works in practice to authorize citation-based enforcement. ProPark, operating under Act 163 at the Honolulu Zoo parking facility, is authorized to issue \$20.00 parking citations for meter overstays. The same statutory authority that permits ProPark to issue citations applies to DLNR's parking concessions. DOBOR's repeated assertion that "vendors do not have authority to issue parking citations" is directly contradicted by an existing Act 163 concession doing exactly that. The Board is entitled to a formal evidentiary record explaining why the same law produces citations at the Zoo and towing at Ala Wai.

In contrast, the Department of Accounting and General Services (DAGS) parking facilities in 2025 issued approximately 5,028 citations and conducted only one tow — a citation-first enforcement model consistent with standard public parking practices. DAGS described this in February 2026 legislative testimony as resting on "established and effective rules" under Chapter 3-30, Hawaii Administrative Rules. The same statutory and regulatory framework available to DLNR is already producing proportional, transparent enforcement at DAGS facilities statewide. DOBOR has offered no explanation for why the same tools cannot be applied at State small boat harbors.

Secure Parking Hawaii LLC already uses its license plate recognition system to transmit real-time meter expiration data directly to Mr. Tow LLC's drivers — who then initiate a \$165.00 vehicle removal with no intervening review by any public employee. DOBOR's position is that this same data pipeline may lawfully trigger a tow but may not lawfully trigger a \$35.00–\$40.00 citation. DOBOR is not asserting a technical barrier. It is asserting that the more severe enforcement action — a tow — is permitted, while the less severe action — a ticket — is not. That position has never been supported by a formal legal opinion and has never been formally examined by this Board.

The historical record at Ala Wai Small Boat Harbor itself confirms that citation-based enforcement is not novel. Diamond Parking previously held the parking concession at Ala Wai and issued parking citations (tickets) directly to vehicle owners for violations.

Citations were issued at this exact harbor location, under prior contractual authority, without the legal barriers DOBOR now claims are insurmountable.

The Board is therefore confronted with four independent lines of evidence that contradict DOBOR's and DLNR Chair's position that "citations are impossible": (1) ProPark is issuing citations today under Act 163 at the Honolulu Zoo; (2) Diamond Parking issued citations at Ala Wai Harbor before the current concessionaire; (3) DAGS issued over 5,000 citations statewide in 2025 with only one tow; and (4) Secure Parking's own LPR system already delivers the license-based enforcement data that citation issuance would require. DOBOR's assertion that citations cannot be issued at state small boat harbors is not a legal conclusion — it is a policy choice this Board has the authority and obligation to revisit.

Most significantly, Secure Parking Hawaii LLC has itself acknowledged, in public testimony before this Board and on its own website, that as a parking management company it is operationally capable of issuing parking fines. Secure Parking has stated that it does not currently do so because there is "no legal framework" for it. That characterization is incorrect as a matter of law. **No Hawaii statute requires towing as the enforcement mechanism for a minor parking overstay on state land.** Towing is permitted — it is not mandated. **There is no Hawaii statute that prohibits DLNR from authorizing a parking concession company to issue a parking citation or fine.** Secure Parking's own admission that it has the operational capability to issue fines eliminates the last remaining factual predicate for the tow-first system. What remains is a policy choice that belongs to this Board — not to the concessionaire, and not to the tow contractor.

The weight of this Board's responsibility under Act 163 cannot be understood without reference to the legislative history that produced it, in 2022. DLNR's standalone procurement exemption bill, SB 2726, failed in the 2022 legislative session — in part because the City and County of Honolulu's Department of Budget and Fiscal Services opposed it directly, arguing that parking concessions generate substantial public revenue and should not be exempted from a fair and transparent competitive process. DLNR then worked with the Legislature on HB 1432 and made a different argument: that this Board was the appropriate body to provide the oversight and accountability that normal procurement would otherwise supply. That condition was not incidental to Act 163's passage. It was the legislative substitute for the competitive procurement process the Legislature had already decided the public deserved.

Without that promise, the exemption does not exist. When this Board votes to approve a parking concession contract — or delegates authority to approve one — without first establishing the enforcement standards that will govern how the public is treated, it is breaking the institutional bargain that brought Act 163 into existence. A contested case hearing is the mechanism through which that accountability becomes real.

The record does not reflect that this Board ever formally voted to accept the parking concessionaire oversight responsibilities that DLNR represented to the Legislature it would discharge. DLNR made that promise to the Legislature on the Board's behalf —

without the Board's affirmative consent. The Board has since acted as though staff recommendations and routine agenda votes constitute adequate Act 163 review. They do not. A contested case hearing is precisely the proceeding in which a hearing officer can examine what the Board's Act 163 obligations actually require — and can direct the Board accordingly. That direction might include a formal finding that the Board must require transparency as a condition of any parking concession contract it authorizes: public access to citation records, towing records, revenue accounting, and enforcement data. Those are the minimum the Legislature intended in 2022 when it made this Board the substitute for competitive procurement.

IV. DOBOR'S OWN SUBMITTAL CONTRADICTS THE CLAIM THAT TOWING IS THE "ONLY" OPTION

For years, DLNR has told the Legislature, the Board, permit holders, and the public that towing is the only practical enforcement remedy available at state small boat harbors. DLNR Chairperson Suzanne Case testified to the Legislature in March 2022 that DOCARE officers handle parking citations at state harbors and "it should stay that way." Yet by November 2024, Chairperson Dawn Chang acknowledged that DOCARE "is already short-staffed to begin with" and that daily parking citation duty "is not feasible."

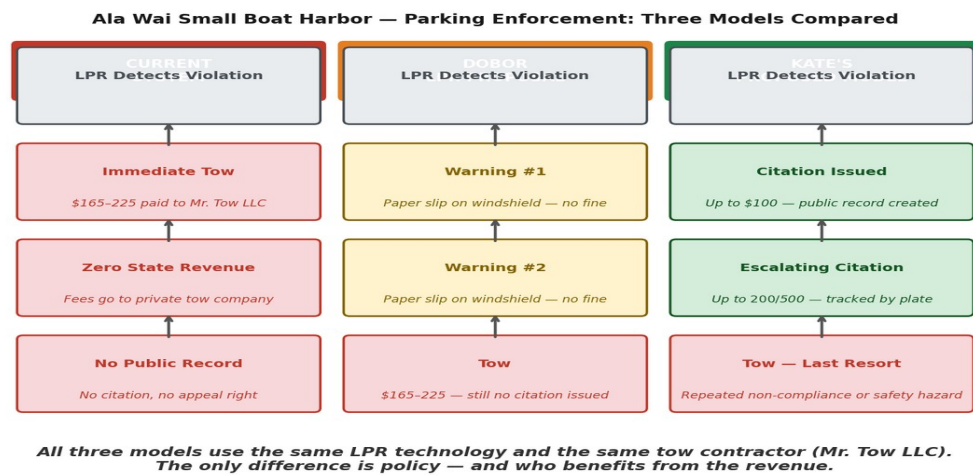
That framing is self-refuting on the face of DOBOR's own records. DOCARE issued 4 parking citations at Ala Wai Small Boat Harbor in 2023 and 4 more in 2024 — under the same enforcement system, at the same facility, during the same period in which thousands of vehicles were towed. More significantly, DOCARE issued 49 parking citations at Mā'alaea Small Boat Harbor on Maui in 2024 alone. If DOCARE officers can issue 49 citations at one state small boat harbor in a single year, the claim that citation-based enforcement is operationally impossible is not a statement of fact — it is a statement of policy.

The math is straightforward: a DOCARE officer issuing a citation for a meter overstay would cost the vehicle owner \$35.00 to \$40.00 under HAR §3-30-19. Instead, DLNR never closed that gap — and in its place built a \$183,000-per-year camera car system that still ends in a \$165.00 tow. In 2023, DOCARE issued 4 parking citations at Ala Wai. In 2024, 4 citations. In 2025, the year community pressure was escalating, DOCARE slightly increased ticketing to 25 citations. In that same year, 2,586 vehicles were towed. The system is not understaffed. It is structurally broken.

DOCARE officers are not absent from Ala Wai Small Boat Harbor — they have a dedicated office at the facility. They are physically on site. A DOCARE officer with access to the LPR camera car's data feed could review flagged violations from a desk — a task experienced officers have estimated would take no more than thirty minutes per day — and approve citations electronically without leaving the DOCARE station. The evidence would be pre-assembled: license plate, timestamp, duration, photograph. The ticket book already has a pre-printed line item: HAR 3-30-19(a), Expired Meter, \$40.00. The infrastructure, the authority, the officers, and the evidence are all present. The only missing element is a contract term requiring it.

The DAGS comparison makes the operational feasibility argument impossible to sustain. DAGS manages approximately 900 parking stalls at its South Street facility in Honolulu — comparable in scale to Ala Wai's 900 stalls. In 2025, DAGS issued 5,028 parking citations at \$35–\$40 each. DAGS towed one vehicle that year. Ala Wai, with the same number of stalls, issued 25 citations and towed 2,586 vehicles. Acting DLNR Chairperson Ryan Kanaka'ole presented this comparison in his own legislative testimony — meaning the incoming DLNR Chair submitted data to the Legislature that directly demolishes the operational feasibility argument his own agency has been making for four years.

IX-A. A HYBRID ENFORCEMENT MODEL — VERIFIED DATA AND PROPOSED FRAMEWORK



Petitioner proposes a hybrid enforcement model that already exists in practice at the Honolulu Zoo, where ProPark Hawaii operates under Act 163. Under this model, Secure Parking staff issue routine citations for parking violations. Towing is reserved exclusively for safety violations, urgent violations, or repeat offenders with three or more unpaid citations. Every tow must be authorized by a sworn DOCARE officer. Petitioner predicts this model would produce approximately 250 citations per month and 10 tows per month at Ala Wai Small Boat Harbor — generating citation revenue that helps offset the \$183,000 annual LPR camera car lease and providing meaningful operational justification for DOCARE's continued physical presence at the harbor. After-hours enforcement presents a more nuanced operational question that a contested case hearing, with subpoena authority, is best positioned to resolve.

At \$35–\$40 per citation, 5,000 annual citations at Ala Wai would generate \$175,000–\$200,000 in State revenue — sufficient to offset the entire \$183,000 annual cost of the LPR camera car lease. Under a citation-first model, the LPR technology pays for itself.

Under the current tow-first model, the State pays \$183,000 annually to generate revenue exclusively for a private tow contractor.

More significantly, DOBOR's own September 26, 2025 J-1 submittal to the Board states that the proposed LPR system would result in "on-site printed warnings" before towing — demonstrating that a pre-tow notice stage is entirely feasible. If warnings are operationally possible, then towing was never the only option.

The scarcity justification for immediate towing has also been materially undermined by the Board's own subsequent actions. The State's position has consistently been that towing is necessary to ensure turnover of parking spaces. That scarcity premise is now contradicted by the Board's January 10, 2025 action approving additional overflow parking at Ala Wai Small Boat Harbor. Community observation and photographic documentation taken between May and June 2026 show this overflow lot to be consistently underutilized — with few vehicles present during regular harbor operating hours. The Board cannot simultaneously justify immediate towing on scarcity grounds and approve additional parking capacity that sits largely empty. Photographs of the overflow lot are attached as **Exhibit M**.

The parking scarcity argument is further undermined by what was sacrificed to create that overflow capacity. The large dirt lot, next to the Prince Waikiki, was established in part by removing a popular food truck gathering area that had served the harbor community for about three years. The public lost a valued community amenity. In exchange, it received an overflow parking lot that sits half empty most of the time. Yet the old rationale for towing — that parking was so scarce that immediate vehicle removal was the only option — is no longer supported by conditions at the harbor.

The scarcity justification was not confined to DOBOR's own submissions. Two successive Governors' offices repeated it in written responses to Petitioner — Governor Ige in November 2022 **Exhibit K** and Governor Josh Green in March 2025 **Exhibit L** — using language that tracks DOBOR's own framing. Both letters referred Petitioner back to DOBOR if she had further questions — a circular referral that is itself evidence the Governor's office did not independently evaluate the complaint. Both letters open by telling Petitioner what she "already knows" about DOBOR's jurisdiction and contracting practices, framing the agency's contested policy choices as established facts the Petitioner accepts. The letters read as if drafted by the agency whose conduct is being questioned — and then transmitted on executive letterhead. No other public parking facility in the State of Hawai'i justifies immediate towing on scarcity grounds. Scarcity is a condition shared by every busy parking lot in the State. It is not a legal standard, and it is not found anywhere in HRS §200-14 or Act 163. When the same agency talking point travels unchanged through two Governors' offices and back to the Petitioner, it is not independent confirmation of a policy rationale. It is evidence that the rationale has never been independently examined.

The Board need not look beyond DLNR itself for proof that a citation-light, tow-rare parking system is both operationally feasible and consistent with the public interest. The Division of State Parks manages parking at state recreational facilities across Hawai'i,

generates substantial revenue, and tows vehicles almost never. When a vehicle remains in a State Parks lot after closing time, it is locked inside the lot overnight — the owner retrieves it the following morning with no tow fee. DOBOR and State Parks operate under the same DLNR umbrella, subject to the same laws, on the same land map classifications. If citation-light, tow-rare parking management is operationally feasible for one DLNR division, DOBOR's claim that towing is the only practical option for another is not a statement of operational necessity. It is a statement of policy — a policy this Board authorized, and a policy this Board has the power and the obligation to change.

V. THE "TWO WARNINGS" PROPOSAL IS NOT A CITATION STAGE

Before examining the mechanics of the two-warning proposal, the Board should be clear on a threshold point of logic. A warning carries no financial consequence. Under the proposed system, the enforcement sequence is: Warning — Warning — Tow (\$165.00). The first financial penalty a vehicle owner will ever face at Ala Wai Small Boat Harbor remains a \$165.00 tow. Two warnings before a tow does not make the system citation-first. It makes it warning-warning-tow.

By contrast, a citation-first system would look like this: Citation (\$20–\$40) — escalating citations if ignored — Tow as a consequence of repeated non-compliance. In that sequence the tow is the last resort, not the opening financial move. The community has not been asking to be warned before being towed. It has been asking for the tow to be replaced, as the first financial penalty, by a proportional citation.

On closer examination, the two-warning proposal does not answer that request. The Board approved J-1 without asking basic questions about how the warning system would operate:

- How far apart must the two warnings be issued? Two hours? One day? One week? The J-1 submittal contains no operational details.
- Are warnings linked to a license plate and tracked in a database, or are they individual paper notices that disappear when the vehicle moves?
- If a vehicle parks, receives a warning, leaves, and returns the next day, does the warning history follow the plate — or does the count reset?
- Can a vehicle owner, family member, or harbor employee look up whether a vehicle has an active warning before it is towed? Is there any public-facing lookup system?
- What is the appeal process at the warning stage — before a tow occurs?

There is a deeper problem with the warning system that DOBOR has not addressed: **how does a vehicle owner clear a warning from the LPR database?** With a citation, the process is clear — pay the fine and the matter is resolved. The record reflects payment and the slate is clean. With an LPR-tracked warning, there is no described mechanism for clearing the record. DOBOR's J-1 submittal and Exhibit I contain no explanation of how a warning expires, how a vehicle owner learns they have a warning on file, or what happens if the vehicle changes hands within a family. This is not a hypothetical concern. Harbor users who have used this facility for decades share vehicles with family members — a spouse, a child, a sibling who borrows the car — who

may unknowingly receive a first or second warning without the registered owner ever being notified. Under DOBOR's proposed system, that family member's warning would remain on file against the license plate, invisible to the registered owner, until the vehicle is towed. Petitioner has used Ala Wai Small Boat Harbor for thirty years. Under the LPR warning system as described, there would be no way to know whether a warning from a prior visit — or a visit by another family member — is sitting in Secure Parking's database. A citation, by contrast, is a document: it is handed to a person, signed, dated, and resolvable. Petitioner proposes a transparent three-citation escalation as an alternative: a first citation of \$20, a second of \$30, and a third of \$40 — with a four-hour window after the third citation to pay and clear the record before a tow is authorized. This system is enforceable, auditable, and fair. The DOBOR warning system is none of those things.

- Does the warning system apply to all three parking zones equally, or only to the six-hour recreational lot?

None of these questions were asked by the Board before voting 5-1 to approve J-1 over 37 written testimonies in opposition and zero in support. None are answered in the J-1 submittal. The delegation of authority to the Chairperson to "approve" the final contract means these questions may never receive public Board scrutiny unless a contested case hearing is granted.

A windshield warning slip is not a citation. It carries no monetary consequence, creates no public record, generates zero revenue for the State, and confers no enforceable rights or appeal process on the vehicle owner. Harbor users are not asking to be warned twice before a \$165.00 tow. They are asking for what every other public parking facility in Honolulu provides: a citation — a proportional monetary fine that is documented, appealable, and enforceable through normal legal channels. The community has consistently asked for a \$20.00 to \$40.00 citation stage before towing. DOBOR's response has been to offer two paper warnings and then a tow. That is not the same thing.

One of the questions above has now been answered — by DOBOR itself. In a written statement submitted to the Waikīkī Neighborhood Board on February 10, 2026 (**Exhibit I**), DOBOR Administrator Meghan L. Statts confirmed that "the LPR system is designed to monitor three (3) parking zones at Ala Wai Small Boat Harbor: (1) Paid parking; (2) Permittee parking; and (3) Free recreational parking (6-hour time limit)." In the same document, DOBOR stated that "the LPR system will immediately alert parking management staff of parking violations and will allow for immediate issuance of printed warnings." If the system can immediately identify a violation and print a document to place on a vehicle — across all three zones — it can just as immediately issue a citation. The technological barrier does not exist. Notably, DOBOR has publicly framed the LPR system as primarily a response to complaints about the 6-hour recreational lot. But Exhibit I makes clear the LPR is not limited to that zone — it monitors paid parking, permittee parking, and recreational parking alike. A citation-first policy is therefore not a logistical challenge. It is a policy choice.

VI. A STATEWIDE PATTERN: THE SAME COMPANY, THE SAME POLICY, TWO HARBORS

The tow-first enforcement problem at Ala Wai Small Boat Harbor is not a site-specific anomaly. Secure Parking Hawaii LLC holds the parking concession contract at both Ala Wai Small Boat Harbor on O'ahu and Mā'alaea Small Boat Harbor on Maui — both contracts issued under Act 163 (2022) and both reviewed by this Board. The same tow-first enforcement model operates at both facilities, producing the same outcome: thousands of vehicle removals annually, effectively zero citations, and 100% of towing revenue flowing to the private tow company with nothing from towing revenue returned to the State.

At Mā'alaea Small Boat Harbor, Secure Parking's subcontracted tow company removes approximately four to five vehicles per day per their own testimony to BLNR. At \$225.00 per tow on Maui, the tow company collects approximately \$300,000.00 per year from the public — all from state recreational land, under a contract authorized by this Board, with no citation stage, no State revenue from towing, and no meaningful public oversight. These figures were reported directly to the Board by Secure Parking co-owner Mr. Mauri at the January 26, 2024 BLNR meeting.

The scale of the discrepancy between Secure Parking's BLNR testimony and government records is significant. Maui Police Department records document 743 vehicle tows at Mā'alaea Small Boat Harbor addresses from 2022 through 2025 — 432 in 2024 alone **Exhibit S**. Secure Parking co-owner Mr. Mauri testified that the subcontracted tow company removes approximately four to five vehicles per day. At that rate, annual tows would total 1,460 to 1,825. The MPD records reflect less than one-third of that figure for 2024. In March 2025 — the month petitioner personally visited Mā'alaea and witnessed four vehicles being towed within a single hour — MPD records show only two tows for the entire month.

The gap between Secure Parking's BLNR testimony, the photographic evidence, and the MPD records cannot be explained by clerical error. Either Secure Parking substantially overstated towing activity in its Board testimony, the tow contractor is substantially underreporting tows to the Maui Police Department in violation of HRS §290-11, or both. Petitioner reported this discrepancy directly to DLNR with photographic evidence immediately upon returning from Maui. No investigation was initiated. A hearing officer with subpoena authority can compel the complete tow records, the police notification logs, and the contractor's compliance documentation. That examination has never happened. It should. Photographic evidence is attached as **Exhibit P**; The towing records from Maui Police Department **Exhibit S**.

The tow-to-citation ratios at both harbors are striking. At Ala Wai Small Boat Harbor, public records show 9,323 tows and 34 citations issued from 2022 through 2025 — meaning 99.64% of all enforcement actions resulted in a tow, not a citation. A harbor user had a 0.36% chance of receiving a proportional fine and a 99.64% chance of losing their vehicle to a private tow contractor. At Mā'alaea Small Boat Harbor, Secure Parking co-owner Jonathan testified before this Board that the subcontracted tow company

removes approximately four to five vehicles per day. Using a conservative floor of three tows per day — well below the contractor's own estimate — and the 49 DOCARE citations issued in 2025, the ratio at Mā'alaea is 95.71%: 1,095 estimated annual tows versus 49 citations. At four tows per day the ratio rises to 97%. At five per day, 97.8%. The public has a right to know these numbers. The Board currently has no mechanism to verify any of them.

There is no mandatory reporting requirement that compels tow contractors or subcontractors to report towing activity directly to DOBOR. At Ala Wai, Mr. Tow LLC reports tows to the Honolulu Police Department. At Mā'alaea, Beach Country Towing operates as a subcontractor under Secure Parking Hawaii LLC and is not party to the State concession contract. The Mā'alaea discrepancy — four vehicles towed in one hour on March 8, 2025, while MPD records show only two tows for the entire month — is direct evidence that the current reporting structure does not produce reliable data. DOBOR cannot oversee what it does not require to be reported. A contested case hearing with subpoena authority is the only proceeding that can compel complete tow records, police notification logs, and subcontractor compliance documentation from both harbors.

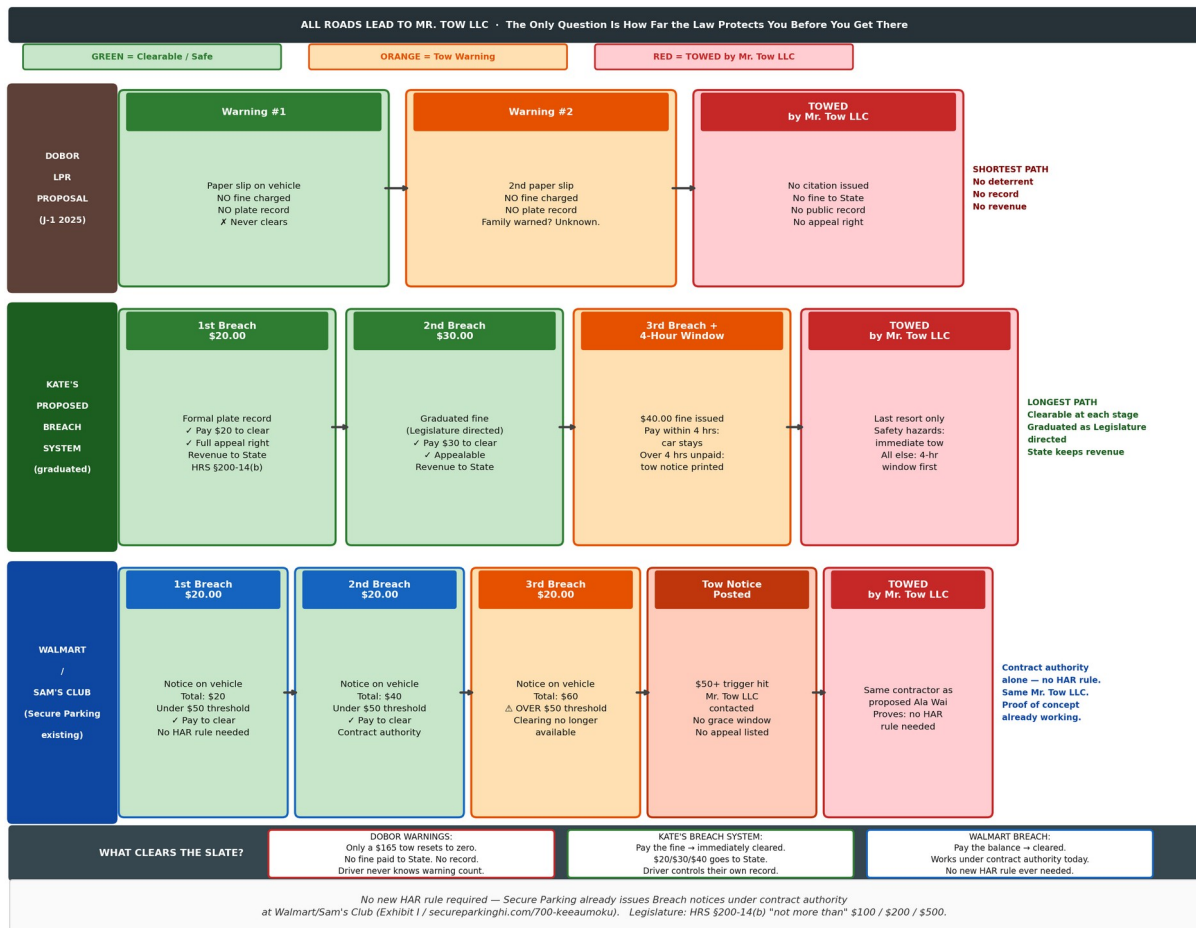
Secure Parking Uses Breach Notices — Not Immediate Towing — at Its Other Hawai'i Locations

Administrator Statts's February 10, 2026 statement cited Secure Parking's use of LPR technology at Walmart and Sam's Club on Ke'eaumoku Street as proof that the technology works. A review of Secure Parking's own published enforcement model at that location reveals something the Board was not told: at Walmart and Sam's Club, Secure Parking does **not** tow immediately. Instead, it issues **breach notices** — \$20.00 violation notices — for parking infractions such as exceeding the 3-hour time limit. Towing is only triggered after a vehicle accumulates **\$50.00 or more** in unpaid breach notices — the equivalent of three or more unresolved violations. The tow contractor at Walmart and Sam's Club is the same company used at Ala Wai Small Boat Harbor: Mr. Tow LLC. The LPR technology is the same. The tow contractor is the same. But the enforcement model at the private retail lot is citation-first — exactly what Petitioner has requested for the State public harbor. Secure Parking knows how to issue breach notices. It does so routinely at its other Hawai'i locations. The decision not to issue them at Ala Wai Small Boat Harbor is not a technological limitation — it is a policy choice made by DOBOR and Secure Parking that the Board has never formally reviewed.

The Solution: Call Them "Breaches" — No New HAR Rule Required

DOBOR's stated position is that it lacks HAR authority to issue parking citations. Whether or not that argument is correct, it does not answer the question — because the instrument does not need to be called a citation. Secure Parking Hawaii LLC already issues **Breach notices** — graduated violation fees — at its other Hawai'i locations under existing contract authority, with no HAR rule required. At Walmart and Sam's Club on Ke'eaumoku Street, the first Breach is \$20, the second is \$20, and after \$50 in accumulated Breaches, the vehicle is towed by Mr. Tow LLC — the same contractor

used at Ala Wai. Secure Parking could implement a graduated Breach system at Ala Wai Small Boat Harbor today, under its existing contract, using the LPR technology already approved by this Board. **No new HAR rule. No new legislation. No new contract.** The graduated amounts — \$20 / \$30 / \$40, with a four-hour window after the third Breach to pay and clear before a tow is authorized — align directly with the Legislature's directive under HRS §200-14(b), which establishes penalties of **"not more than" \$100 / \$200 / \$500**, making even modest Breach amounts fully consistent with the statutory framework. Each Breach would be documented, linked to the license plate, clearable upon payment, and appealable. The only thing standing between the current system and this outcome is a policy decision by DOBOR.



In 2026, the Hawai'i State Legislature recognized this as a statewide concern. SCR 58, SD1, HD1 addresses "state small boat harbors" in the plural — not Ala Wai alone. The legislative findings apply with equal force to both harbors. The Board's Act 163 oversight obligation applies to both contracts. I have filed contested case hearing petitions regarding the Mā'alaēa parking concession contract as well. Those petitions were also denied. The pattern of denial, across two harbors, across multiple petitioners, over multiple years, while the same concessionaire continues to operate under contracts authorized by this Board, is itself evidence that the administrative process has failed and that a formal evidentiary hearing is overdue.

VII. ON-RECORD ADMISSIONS BY DLNR OFFICIALS THAT CONTRADICT CURRENT POLICY

The public record contains a series of statements by DLNR officials that are directly inconsistent with the enforcement system that has operated at Ala Wai Small Boat Harbor for the past four years. These admissions have never been reconciled in a formal evidentiary proceeding.

DOBOR Administrator Underwood, September 2021

At the September 10, 2021 BLNR meeting, Board Member Tommy Oi asked DOBOR Administrator Edward Underwood directly: "So someone is going to be in the parking area checking out all the tickets, correct?" Administrator Underwood responded: "Yes, this is what Mr. Mauri's company is going to be doing, standard parking." That statement is inconsistent with the enforcement system that subsequently operated, in which parking citations were rarely issued and towing became the dominant enforcement outcome.

Chair Case, March 22, 2022

Chairperson Case stated in testimony before the House Committee on Water & Land: "The Department's Division of Conservation and Resources Enforcement provides comprehensive training to its officers so that they are equipped to handle all types of enforcement tasks, including parking enforcement and providing court testimony. The Department therefore believes that parking enforcement authority should remain with sworn law enforcement officers only." In 2022, the year of that testimony, DOCARE issued exactly one parking citation at Ala Wai Small Boat Harbor while 1,920 vehicles were towed.

Chair Chang, December 7, 2023

At the December 7, 2023 BLNR meeting, after DOBOR staff reported that over 1,500 vehicles had been towed between January 1 and October 9, 2023, Chairperson Chang stated on the record: "I don't know if there's any truth to it, but what I'm hearing is somebody is waiting as soon as that parking meter expires, they're coming in with the tow truck. I'm hoping that's not happening." HPD public records subsequently confirmed it was happening — 2,305 times in 2023 alone. The Chair's expressed hope was not accompanied by any directive to investigate, halt, or modify the practice.

DOBOR Administrator Statts — Cash-Only Payment Prohibition

HRS §290-11(b)(5) has prohibited towing companies from requiring cash-only payment since 2020. Community members documented that Mr. Tow LLC continued to require cash payment or use of on-site ATM machines after that date. When this was reported to DOBOR, Administrator Meghan Statts responded in writing: "We are not going to tell the tow company how to run their business." DLNR is the contracting authority for Mr. Tow LLC. The contractor's compliance with state law is precisely DOBOR's responsibility.

DOBOR Administrator Statts — Normalizing Towing as Standard Practice on State Public Land

In the same February 10, 2026 written statement to the Waikīkī Neighborhood Board (**Exhibit I**), Administrator Statts wrote: "Towing is a long-standing enforcement tool used to address unauthorized parking in almost all parking lots, whether public or private. Towing as an enforcement tool has been in effect at Ala Wai Small Boat Harbor since the parking concession was instituted in 2008." This framing — equating a State public harbor with a private parking lot — mischaracterizes both the legal context and the historical record. Towing on State public land managed under public trust principles is not comparable to towing in a private commercial lot. The public has a constitutional and statutory interest in access to Ala Wai Small Boat Harbor that private lot owners owe to no one. More significantly, the year 2008 is not a neutral benchmark — it marks the beginning of the parking concession under then-DOBOR Administrator Edward Underwood, whose tenure saw the conversion of approximately 250 free public parking stalls into paid stalls (reducing the free recreational supply from roughly 550 stalls to 300). That conversion was vigorously opposed by the public; community members including the Downing family — led by the late George Downing Sr. — organized to retain the 300 remaining free stalls. Administrator Underwood made multiple subsequent attempts over many years to further reduce or eliminate free public parking at the harbor, each time meeting sustained public opposition. Citing 2008 as the origin of "long-standing" tow-first enforcement does not legitimize the practice — it traces it directly to the administrator who commercialized public harbor parking against the expressed wishes of the community it serves.

HAR Chapter 13-233: "May Be Towed" Is Not "Must Be Towed"

Administrator Statts's February 10, 2026 statement cites Hawaii Administrative Rule Chapter 13-233 as the authority for towing at Ala Wai Small Boat Harbor, listing these reasons a vehicle may be towed: "parking in posted no-parking areas, access lanes, or restricted zones; for creating safety or access hazards; for improper use of parking stalls, including paid vehicles parked in recreational or permit-designated areas; or for failure to pay in paid parking stalls." A careful reading of this list reveals two fundamentally different categories of violation bundled under the same enforcement response. The first category — no-parking zones, access lanes, safety hazards — involves genuine obstructions where immediate removal may be warranted. The second category — "failure to pay" and "improper use of a stall" — describes administrative and payment infractions. A vehicle that has simply failed to pay, or that has innocently parked in a monthly permit stall after paying the hourly rate at a pay station, poses no safety hazard and creates no access obstruction. A citation is the legally and logically appropriate remedy for these infractions. Critically, the rule uses the word **may** — not **shall**. DOBOR has discretion. Nothing in HAR Chapter 13-233 requires that non-payment or stall misuse result in a tow rather than a citation. The decision to tow for administrative violations, when citation is available under HRS §200-14(b), is a policy choice — one that transfers cost and harm from the State to the vehicle owner, while generating no public revenue and creating no public record.

Secure Parking Self-Issuing Refunds Without State Oversight

Petitioner has received reports that Secure Parking Hawaii LLC employees have issued refunds directly to vehicle owners who complained about tows — acting as judge, jury, and financial officer — without any formal post-tow hearing process and without reporting these refunds to DOBOR or accounting for them against the Boating Special Fund. These self-issued refunds reduce State revenue without authorization and deprive the public of a transparent, documented remedy process. The Board has never formally examined this practice.

Towing of Paid Parkers Due to Absent Ground Signage

Petitioner has video evidence of vehicles being towed from Ala Wai Small Boat Harbor in under two minutes, with no verification by the tow driver of whether the vehicle owner had paid for parking. The tow driver is not required by the contract to check payment status before initiating a tow. The community's October 2021 petition to DOBOR — signed by approximately 200 harbor users — specifically requested the restoration of "PERMIT ONLY" ground markings on permit stalls. DOBOR did not act on that request. Four and a half years later, the ground markings have not been restored, and paid parkers remain at risk of having their vehicles towed. HRS §290-11 requires tow operators to photograph vehicles at the time of towing. Those photographs exist for every tow. A hearing officer can subpoena them. Video evidence of a tow completed in under two minutes without payment verification is attached as **Exhibit Q**.

The most documented case of a wrongful paid-parker tow is what Petitioner refers to as Case #1 — and it is what motivated her to begin formally protesting the towing system. A driver paid for parking at Ala Wai Small Boat Harbor and returned to find their vehicle gone. They called the police, believing their car had been stolen. They were told: the signage is adequate. The vehicle had been towed — by a private contractor, with no State employee present, from a permit-only stall that is visually indistinguishable from a paid parking stall, particularly at night. The pole signage is not specifically illuminated. The ground markings — yellow and white strips — are essentially impossible to distinguish in darkness. The driver had paid. The State was not there. The tow driver made the call alone. And when the driver sought accountability, the answer from every State channel was the same: the signage is adequate.

That answer is not independent. The State approved the signage under Contract Section 14, which requires State written approval before any sign is installed at the harbor. When the State says the signage is adequate, it is defending its own approval — not evaluating the driver's ability to understand the rules in an unlit parking lot at night. A contested case hearing with subpoena authority can ask the question the police and DOBOR will not: was a person who paid for parking, in an unmarked and unlit stall, with indistinguishable ground markings, given adequate notice before their vehicle was removed by a private contractor with no State witness present?

DOBOR's Misrepresentation of HRS §200-14(b) to the Legislature and the Public

In written materials provided to the Waikīkī Neighborhood Board in February 2026 **Exhibit I**, DOBOR Administrator Meghan Statts represented that the first parking violation fine at state small boat harbors "is \$100.00." That representation is false. In testimony before three separate legislative committees during the 2026 session, Acting DLNR Chairperson Ryan Kanaka'ole submitted written testimony containing the same misstatement. Petitioner identified the error on the record at the first hearing and again at the second. Acting Chair Kanaka'ole's written testimony at the third hearing was identical to the first — uncorrected.

HRS §200-14(b) provides that a person found to have committed a parking infraction "shall be fined not more than \$100 for a first violation." The statute establishes a ceiling — not a mandatory amount and not a minimum. A \$20.00 citation is fully lawful under HRS §200-14(b). A \$35.00 citation is fully lawful. Any amount up to \$100.00 is within the statute. DOBOR's repeated misstatement — whether knowing or institutional — has been used to make citation-based enforcement appear legally inadequate and to make the \$165.00 tow appear more justified than the law requires. This is not a matter of interpretation. The statutory language is unambiguous: "not more than \$100" means a ceiling, not a floor. A contested case hearing would place the statutory language alongside the agency's public representations — examined under oath.

In the same Waikīkī Neighborhood Board materials, Administrator Statts argued that raw tow numbers alone do not reveal the reasons vehicles were towed — noting, for example, that some tows may result from legitimate safety concerns such as blocking a roadway. Petitioner does not dispute that legitimate safety tows occur. But that argument does not justify the absence of records — it demands them. If DOBOR cannot distinguish a safety tow from a stall-overstay tow, that is itself a failure of oversight, not a defense of it. Mandatory monthly towing reports would resolve this entirely. Each report should include: the tow date and time; a redacted license plate or vehicle identifier; the stated reason for the tow; and the type of stall involved — paid, permit, or unmarked — since this parking lot does not use individual stall numbers. Without this data, the Board has no basis to evaluate whether any given tow was lawful, necessary, or proportionate. A contested case hearing is the only proceeding that can compel all three responsible parties to produce that record: DOBOR, which holds the contract oversight records; Secure Parking Hawaii LLC, whose payment and expiration data triggers each tow; and Mr. Tow LLC, which holds the actual tow logs.

VIII. POST-TOW HEARING DISPARITY AND A WARNING FROM PRIOR LITIGATION

Under current DOBOR procedure, a vehicle owner whose car has been towed from a state small boat harbor has five calendar days to file a request for a post-tow hearing. Under HRS §291C, a person contesting a standard parking citation has twenty-one days. The disparity is stark: the most severe enforcement outcome — vehicle removal — carries the shortest deadline to seek relief. A person who loses their vehicle, must arrange alternate transportation, pay \$165.00 or more to retrieve it, and then locate and complete the correct form has 5 days to do so before their right to a hearing is

extinguished. This shortened deadline has no apparent legal or policy justification and was never presented to this Board for deliberation.

The community submitted seven written questions to the Attorney General's Office on January 10, 2025, specifically requesting written guidance on the Board's authority under Act 163 to establish a citation-based enforcement system, the due process requirements for towing on state lands, the legality of the 5-day post-tow hearing deadline, BLNR's authority to audit towing practices, and the proper remedy process for wrongful tows. To the best of petitioner's knowledge, the Attorney General's Office has not provided written responses to any of them. The Board approved the September 26, 2025 J-1 action without the benefit of that written guidance. The seven questions are attached as **Exhibit J**.

The Board should also be aware that vehicle towing from state harbor lands has previously resulted in federal litigation. In *Carello v. State of Hawaii* (2011), the State faced legal challenge over vehicle towing practices at a state facility. A contested case hearing that costs an estimated \$40,000.00 is less than ten percent of the annual towing revenue extracted from the public at Ala Wai Small Boat Harbor alone, and a fraction of the combined liability exposure the State carries by continuing to sanction a tow-first enforcement system that has operated without meaningful legal review for four consecutive years. A contested case hearing is the most orderly path forward — and keeps these questions within the administrative record, where they belong.

IX. NEWLY OBTAINED PUBLIC RECORDS: 9,323 TOWS, 34 CITATIONS

X. LEGISLATIVE FINDINGS: SCR 58, SD1, HD1

Since my original filing on October 3, 2025, the Hawai'i State Legislature has considered and adopted SCR 58, SD1, HD1, which directly addresses parking enforcement at state small boat harbors.

SCR 58, SD1, HD1 finds that "although towing may be the most efficient enforcement mechanism in parking lots under the jurisdiction of DOBOR, towing may cause detrimental impacts to the vehicle owner or operator for relatively minor violations." The resolution urges DOBOR to develop and implement a progressive enforcement framework for parking violations, including the provision of clear warnings before resorting to towing. It further urges DOBOR to improve the prevalence and clarity of signage regarding parking regulations, fees, and penalties — a direct response to the signage failures documented at Ala Wai Small Boat Harbor.

The House Committee on Judiciary & Hawaiian Affairs similarly found that towing "may be an excessively harsh penalty for minor parking violations" and encouraged amendment of parking concession contracts to authorize citation-based enforcement with affordable fines consistent with comparable traffic and parking violations.

These legislative findings are significant for two reasons. First, they validate concerns that harbor users have raised at every BLNR meeting on this topic since 2023 —

concerns that DOBOR has consistently characterized as isolated complaints. Second, and more importantly, the Legislature was specifically supportive of license plate recognition technology as an enforcement tool, while directing the BLNR Chairperson to amend parking concession contracts to establish citation-based enforcement as the mechanism for reform. The Legislature has now formally directed this Board's attention to its authority and obligations regarding parking enforcement contracts at the State's small boat harbors.

XI. THIS REQUEST STANDS ON MATERIALLY DIFFERENT LEGAL FOOTING THAN PRIOR PETITIONS

The Board is aware that contested case hearing petitions related to Ala Wai Small Boat Harbor parking enforcement are not new. Between 2023 and 2024, petitions for contested case hearings were filed by separate, unique petitioners — Kate Thompson, Kāma'āina Boaters, Margaret Hallahan, Karen Boyer, John Fitzpatrick, and Solomon Kawamae — all diligently prepared and formally submitted within the 10-day deadline.

Over the course of successive contract renewals from 2021 through 2025, approximately 200 members of the public submitted written testimony to BLNR opposing contracts with Secure Parking Hawaii LLC, with 37 written testimonies in opposition and zero in support submitted for the September 26, 2025, meeting alone. Every contract renewal was executed without the government agencies ever creating the graduated parking enforcement system that the public consistently requested and the law permits. Every one of those petitions was recommended for denial by DOBOR Administrators Edward Underwood, Meghan Statts, and DLNR Chairperson Dawn Chang, and subsequently voted to be denied by the Board.

The current request is materially different in four fundamental respects:

First: The Legal Basis Has Changed

Prior petitions were grounded in constitutional due process — the argument that mooring permit holders have a property interest in fair parking enforcement. DOBOR successfully defeated that argument by asserting that a mooring permit creates no legitimate claim of entitlement to the terms of a parking concession. The current request does not rest on constitutional due process. It rests on a statutory basis: Act 163 (2022). The DOBOR denial document itself acknowledges that a contested case hearing is required when mandated by statute. Act 163 placed the Board at the center of parking concession oversight as the explicit legislative condition for exempting DLNR from normal procurement. That foundation did not exist, or was not argued, in any prior petition.

Second: The Factual Record Has Changed Fundamentally

When prior petitions were denied, the full towing record had not been established through public records requests. SCR 58 had not been passed. DOBOR had not admitted in its own Board submittal that pre-tow warnings were operationally feasible. The 9,323-tow, 34-citation record now before the Board is not speculation — it is

confirmed government data. Each of the prior denials rested in part on DOBOR's assertion that its practices were appropriate and that the petitioners' concerns lacked evidentiary support. That assertion is no longer tenable.

Third: The Legislature Has Directly Answered DOBOR's "No Value" Argument

In recommending denial of prior petitions, DOBOR argued that a contested case hearing would be expensive, time-consuming, and add "little to no significant value." The Legislature, through SCR 58, SD1, HD1, has formally found otherwise — determining that the use of towing as a primary enforcement mechanism at state small boat harbors is a matter of statewide public policy significance warranting formal legislative attention and action. DOBOR also argued that public testimony at Board meetings constituted sufficient due process. The Board then voted 5-1 to approve J-1 on September 26, 2025, over 37 written testimonies in opposition and zero in support. That result speaks for itself. Public testimony is not a substitute for a formal evidentiary hearing when the administrative record is this contested, this consequential, and this incomplete.

Fourth: The Hawaii Supreme Court Has Spoken Directly to This Board's Obligations

On September 5, 2025 — exactly three weeks before the Board's September 26, 2025 vote on J-1 — the Hawaii Supreme Court issued its unanimous opinion in *Sierra Club v. Board of Land and Natural Resources*, SCWC-22-0000516 (Haw. Sept. 5, 2025). The Court held that this Board violated the constitutional due process rights of petitioners by denying a contested case hearing and proceeding to vote on a matter affecting constitutionally protected interests. The Court held unequivocally that public participation at a public meeting — including written and oral testimony — does not satisfy due process when a contested case hearing is required by law or by the nature of the interests at stake. The Court further held that a Board decision made after the wrongful denial of a contested case hearing is itself subject to vacatur and judicial review.

Three weeks after that ruling, this Board voted 5-1 on J-1 — over 37 written testimonies in opposition — without affording the public any opportunity to question DOBOR, cross-examine agency witnesses, or challenge the factual representations on which the staff recommendation rested. My October 3, 2025 request remains pending. The Board now has the opportunity — before acting further on the parking concession — to apply the Sierra Club framework correctly, grant the hearing, and avoid becoming the subject of yet another judicial rebuke for denying the public its constitutional right to meaningful participation in a decision that has caused 9,323 vehicle tows on state recreational land.

The Sierra Club decision also speaks directly to the proposed LPR camera car enforcement system. Under that system, license plate recognition software transmits real-time meter expiration data directly to Mr. Tow LLC's drivers, who then initiate vehicle removal — a deprivation of property — without any review by a public employee and without any pre-deprivation hearing or citation stage. A \$165.00 vehicle tow is a deprivation of private property initiated on state recreational land, authorized by a contract this Board approved, triggered automatically by private software, executed by a

private tow contractor, and remedied — if at all — only through a compressed post-deprivation process that the vehicle owner must invoke within five days of losing their vehicle. The Sierra Club framework applies: where Board-authorized action causes the deprivation of a protected interest, due process requires more than a public meeting and a short post-deprivation window. It requires the kind of pre-decisional scrutiny that only a contested case hearing can provide.

Fifth: The "No Enforcement Entity" Argument Is a Red Herring

DOBOR has repeatedly argued that granting a contested case hearing would leave Ala Wai Small Boat Harbor without an enforcement entity — as if the only choices are the current contract or chaos. This is a red herring. Ala Wai Small Boat Harbor was managed for decades before the current camera-car contract was authorized, and it would continue to be managed during any transition resulting from a hearing.

City and County of Honolulu Director of Budget and Fiscal Services Andrew T. Kawano testified in opposition to SB 2726 (2022) — which would have exempted DLNR parking concessions from standard competitive procurement — on precisely this point Exhibit F. Director Kawano's position was clear: parking lots are stable, predictable businesses. Like any competitive bid contract, transitioning to a new operator takes time and requires planning — but that planning is the agency's job, and it is entirely achievable. An agency's self-created rush does not outweigh the public's right to a competitive procurement process or a petitioner's right to a fair hearing. DOBOR cannot manufacture urgency through its own contract decisions and then use that urgency to defeat due process.

XII. WHY A CONTESTED CASE HEARING IS NEEDED

Under Hawaii Revised Statutes §91-1(5) and applicable agency rules, a contested case hearing is a quasi-judicial administrative proceeding in which an agency formally determines the legal rights, duties, or privileges of specific parties after providing an opportunity to be heard. Parties have substantive procedural rights: the right to present evidence, to cross-examine witnesses and challenge the evidence presented by the agency, to make legal arguments on the record, and to receive a written decision by an independent hearing officer grounded in the evidence and the law.

A contested case hearing is therefore qualitatively different from public testimony at a Board meeting. It creates an evidentiary record, compels factual disclosure, subjects agency representations to adversarial scrutiny, and produces a legally reviewable decision. It is precisely the proceeding this matter requires — and the one that four years of Board meetings and five denied petitions have failed to produce.

A contested case hearing is needed to resolve the following questions:

1. Act 163 Oversight and Delegation Authority. What substantive oversight obligations did Act 163 impose on this Board, and were those obligations discharged when the Board delegated broad amendment and approval authority to the Chairperson without first establishing enforcement standards?

2. Citation-Based Enforcement Authority. Does the current parking concession contract — or any applicable statute or rule — legally prohibit DLNR from authorizing its parking concessionaire to issue parking citations? If so, what is the specific statutory or contractual basis for that prohibition?
3. The Basis for Tow-First Enforcement. What specific factual and legal determination led DOBOR to conclude that towing must be the first and only enforcement consequence for a minor parking overstay, and why does ProPark issue citations at the Honolulu Zoo under the same Act 163 authority?
4. Contractor Oversight and "Deputized" Enforcement. Under what legal authority does a private tow truck driver — with no public oversight — make the determination to remove a vehicle from state recreational land, and what oversight mechanisms ensure that determination is made lawfully?
5. Legislative Findings and Contract Compliance. Are the current parking concession contracts consistent with the legislative findings adopted in SCR 58, SD1, HD1 (2026), and if not, what contract modifications are required?
6. The Statutory Basis for Citation Amounts. HRS §200-14(b) states the fine shall be "not more than \$100" — a ceiling, not a floor. DOBOR has represented in writing and in legislative testimony that the first parking violation fine "is \$100.00." A hearing officer can establish the accurate statutory record under oath, with the law in evidence.

These questions, and the seven questions for the Attorney General submitted January 10, 2025 **Exhibit J**, go to the heart of the Board's statutory oversight responsibilities under Act 163. They cannot be adequately resolved through public testimony alone and require the development of a formal evidentiary record through a contested case hearing.

XIII. REDUCING HAWAII'S CARBON FOOTPRINT: TICKETING INSTEAD OF TOWING

The following analysis was prepared by Donn Viviani, Ph.D., former Director of the EPA's Climate Policy Assessment Division, now retired, at Petitioner's request, upon learning of the 9,323 towing events recorded at Ala Wai Small Boat Harbor. Dr. Viviani resides in Kailua, O'ahu and serves as Board President of the Climate Protection & Restoration Initiative.

Hawai'i has formally recognized a Climate Emergency and set ambitious goals to achieve net zero greenhouse gas (GHG) emissions by 2045. Reaching those goals requires leveraging every opportunity to reduce the State's carbon footprint — especially in areas fully under State operational control.

An Opportunity Under State Control

One such opportunity is the daily choice between towing illegally parked vehicles and issuing citations instead — a State-controlled decision with direct environmental consequences:

- Towing generates direct GHG emissions and other environmental harms.

- Ticketing provides revenue to the State while eliminating the need for unnecessary towing-related emissions.

Environmental Impacts of Towing

Towing operations emit CO₂ and N₂O, contribute to ozone formation, and generate tire and brake debris that washes into the Ala Wai Harbor ecosystem, harming marine life and water quality. Tow truck exhaust also contributes to respiratory conditions such as asthma.

Carbon Footprint of Towing — 2024 Data (Ala Wai Small Boat Harbor)

- Vehicles towed: 2,512 (from 1651 Ala Moana Blvd to 123 Pu‘uhale Road, Kalihi — approx. 5.5 miles each way)
- Average of 7 vehicles towed per day
- Total annual towing distance: ~25,000 miles (approximately half under load)
- Additional patrolling distance: ~3,600 miles/year
- Fuel consumption: 13,700 miles under load @ 7 mpg (~1,950 gallons) + 16,300 miles unloaded @ 12 mpg (~1,350 gallons) = ~3,300 gallons/year
- Estimated annual emissions: ~30 metric tons of CO₂

While 30 metric tons may seem modest, it is a preventable, State-controlled emission source — and a scalable model. This is just one harbor. If towing events were reduced by half through citation-first enforcement, the savings would be immediate. Scaled statewide, the benefit is significant. The LPR camera car already deployed at Ala Wai (\$183,000/year) could track enforcement patterns and document carbon reductions year over year. The technology is in place. The will to use it differently is what is before this Board.

Note: Dr. Viviani's calculation uses 2024 data (2,512 tows); 2025 tow numbers were higher, meaning actual emissions are greater. A concrete, achievable goal: reduce towing by 20% in year one by requiring citations before any non-safety tow is authorized. Progress should be tracked annually and counted toward Hawai'i's 2045 net zero commitment.

Additional Environmental Concerns

- Microplastic pollution from tire and brake wear
- Chemical runoff from roadway residues into marine ecosystems
- Increased traffic congestion and noise from tow truck operations
- Public inconvenience and reduced goodwill for both residents and visitors

The Sustainable Alternative: Ticketing

Ticketing is a zero-emission alternative for non-safety violations. At \$40 per citation, 2,512 annual violations generate approximately \$100,480/year — enough to fund a parking enforcement position or ALPR technology investment, with additional revenue from \$50 late fines.

How Will We as a State Actually Reduce the Carbon Footprint at Ala Wai Harbor?

DOBOR may claim its parking operations fall outside environmental review. But this is a policy choice, not a legal barrier. When the State can measurably reduce GHG emissions by choosing citations over towing, the exemption argument becomes an obstacle to Hawai'i's own climate commitments. This Board has the authority — and responsibility — to prefer the lower-emission model.

Replacing towing with citation enforcement where safety is not at stake supports Hawai'i's net zero goals: it prevents unnecessary emissions, reduces pollution entering the Ala Wai Harbor ecosystem, generates State revenue, and builds community goodwill. Thirty metric tons of CO₂ eliminated at one harbor — replicated statewide — compounds into a meaningful, measurable contribution to Hawai'i's 2045 climate goals.

XIV. CONCLUSION AND RELIEF REQUESTED

The record now before the Board is materially different from the record that existed when Petitioner filed the original request on October 3, 2025. Government records now document 9,323 vehicle tows and only 34 parking citations between 2022 and 2025. The Hawai'i State Legislature has formally recognized concerns regarding tow-first enforcement at state small boat harbors and has encouraged citation-based alternatives. These developments directly implicate the Board's oversight responsibilities under Act 163.

The Board should also consider what is at stake beyond the current contracts. Ala Wai Small Boat Harbor sits on some of the most valuable state recreational land in Hawai'i. The parking revenue from 900 stalls at \$1.00/hour already generates approximately \$1,000,000 annually for DOBOR. Authorizing a tow-first, citation-never system under Act 163 without proper oversight does not merely harm today's harbor users. It sets the terms under which public recreational land will be managed — and it does so without the formal evidentiary record that would allow the public, the Legislature, or the courts to evaluate whether those terms serve the public interest Act 163 requires this Board to protect.

Acting DLNR Chairperson Ryan Kanaka'ole will formally assume the Chairperson role on July 1, 2026. A contested case hearing, if granted, could take months to complete — meaning the hearing process, the evidentiary record, and any resulting direction to the Board would unfold entirely under Chair Kanaka'ole's leadership. He takes office with no personal ownership of the tow-first enforcement system, the contracts that authorized it, or the representations that defended it. Granting this contested case hearing is not a concession of past error. It is an act of stewardship — consistent with the public trust obligations that brought Chair Kanaka'ole to this role, and consistent with the promise DLNR made to the Legislature in 2022 when it asked this Board to be the accountability body for these contracts.

The Board should also be aware that on June 12, 2026, DOBOR submitted a statewide revocable permit renewal package — Agenda Item J-1 — for Board action covering harbor permits through June 30, 2027 **Exhibit R**. That submittal makes no mention of the 9,323 vehicle tows, the 34 citations, the SCR 58 legislative findings, or petitioner's

pending contested case hearing request. The Board is being asked to continue acting on harbor-related permits while the October 3, 2025 contested case hearing request remains pending and unresolved — precisely the pattern the Hawaii Supreme Court addressed in *Sierra Club v. Board of Land and Natural Resources*. The Board should resolve the pending request before taking further action on parking concession matters at Ala Wai Small Boat Harbor.

For these reasons, Petitioner respectfully requests that the Board:

7. Grant the pending Request for a Contested Case Hearing and allow development of a complete factual and legal record regarding the operation, justification, and consequences of the current parking enforcement system at Ala Wai Small Boat Harbor.
8. Direct DOBOR to provide a formal legal opinion explaining why Act 163 permits ProPark to issue citations at the Honolulu Zoo but purportedly does not permit DLNR's concessionaire to do the same at Ala Wai Small Boat Harbor.
9. Require that any contract renewal or extension under the delegated authority be conditioned upon the prior establishment of a citation-based enforcement stage for minor parking violations, consistent with SCR 58, SD1, HD1 and citation-based enforcement practices used at other public facilities operating under Act 163 and at DAGS parking facilities.
10. Require mandatory monthly reporting, due on the 10th day of the following month, of all parking citations issued and all vehicles towed at all state small boat harbors, submitted directly to DOBOR by: (a) Secure Parking Hawaii LLC and Mr. Tow LLC on O'ahu; and (b) Secure Parking Hawaii LLC and its subcontracted tow operator on Maui. Each monthly report shall include the number of citations issued, the number of vehicles towed, the dates and times of tows, and the basis for each tow. Secure Parking Hawaii LLC shall additionally submit a monthly financial statement reflecting all parking revenue collected, all towing activity coordinated or authorized, and all amounts paid to subcontracted tow operators. All reports shall be made publicly available on the DLNR website within 30 days of submission.
11. Exercise the Board's oversight authority under Act 163 to ensure that the parking concession contracts it authorizes protect harbor users, permit holders, and members of the public from disproportionate enforcement consequences.
12. Recommend to the BLNR Chairperson and the Governor that a cease and desist be issued on towing as the enforcement response to minor parking violations — including expired meter overstays, non-payment, and cases where a paid parker has inadvertently parked in a monthly permit stall — at Ala Wai Small Boat Harbor and all state small boat harbors, pending the establishment of a citation-first enforcement framework. Until signage is corrected, towing a paid parker for occupying the wrong stall penalizes the public for a failure the State has already admitted. The Board should see the elapsed time between meter expiration and tow initiation for each of the 100 most recent tows before authorizing any further parking enforcement contracts under Act 163.

13. If Board members determine they do not wish to bear ongoing accountability for parking enforcement under Act 163, notify the Governor and the Attorney General that the Board is fully aware of the obligations Act 163 places on harbor parking concession contracts — and request that the Governor consider whether these concessions are more appropriately administered by an agency with existing citation infrastructure and parking management experience, such as the Department of Accounting and General Services (DAGS) or the Office of Enterprise Technology Services, rather than DOBOR. Alternatively, initiate the legislative process to rescind the Act 163 exemption applicable to DLNR parking concessions at state small boat harbors, returning those contracts to standard competitive procurement under Chapter 102, Hawaii Revised Statutes.
14. Direct DOBOR to immediately require Secure Parking Hawaii LLC to install 'PERMIT ONLY' ground stencils on all permit-designated stalls at Ala Wai Small Boat Harbor, with priority on front-row stalls adjacent to the pay stations where drivers most frequently mistake permit stalls for paid parking stalls. This is a low-cost maintenance action — estimated at \$200 for approximately 300 stalls — that directly prevents wrongful tows of drivers who have paid for parking but parked in an unmarked permit stall.
15. Establish an immediate rule that no vehicle shall be towed from Ala Wai Small Boat Harbor if the driver has made a good-faith payment at a pay station or meter. A driver who has paid and parked in the wrong zone due to unclear signage or unmarked stalls shall receive a written warning or a citation — not a tow. Towing a paid parker is not an enforcement action. It is a revenue event for a private contractor.
16. Require that towing be the final step in a documented escalation sequence — not the first financial penalty. The sequence shall be: written warning, then citation, then escalating citations for repeat violations, then tow only after multiple unpaid citations are on record. A vehicle owner who has never received a citation should never have their vehicle towed as a first enforcement action.
17. Direct that any granted Contested Case Hearing produce a specific determination of the legal authority, contract amendments, signage requirements, payment infrastructure, and implementation timeline required to establish a citation stage as the first financial response to parking violations at Ala Wai Small Boat Harbor — and require DOBOR and Secure Parking Hawaii LLC to present that implementation plan to the Board within six months of the hearing officer's ruling.
18. Require DOBOR and Secure Parking Hawaii LLC to return to the Board within six months with a proposed Hawai'i resident and harbor community parking rate. Ala Wai Small Boat Harbor serves permit holders, canoe clubs, recreational ocean users, and working harbor tenants. As commercial and hotel demand for parking in the Waikiki area increases, and as fair market value pricing may be applied to state recreational lands, local community access to the harbor is at risk. A resident rate would protect the community use the harbor was built to serve.

Respectfully submitted,

Kate Thompson

Petitioner — Request for Contested Case Hearing

Ala Wai Small Boat Harbor Permit Holder

U.S. Coast Guard Licensed 50-Ton Master

katet@icloud.com

808-383-3334

ATTACHMENTS AND EXHIBITS

Exhibit A — Honolulu Police Department Towing Records, 2022–2025

Exhibit B — DLNR/DOCARE Parking Citation Records, 2022–2025

Exhibit C — SCR 58, SD1, HD1 — Senate Concurrent Resolution, Thirty-Third Legislature, 2026, State of Hawai'i, certified by the Assistant Clerk of the Senate, May 12, 2026

Exhibit D — DLNR Chairperson Case Testimony on HCR 176: parking enforcement authority should remain with sworn law enforcement officers (DOCARE) only

Exhibit E — DLNR Chairperson Chang Letter to Kate Thompson, November 7, 2024: DOCARE is short-staffed; no law permits parking vendors to issue citations; therefore the State tows

Exhibit F — SB 2726 (2022, failed measure) and Opposition Testimony of Andrew T. Kawano, Director of Budget and Fiscal Services, City and County of Honolulu, February 1, 2022

Exhibit G — Act 163 (2022) — Enrolled Version

Exhibit H — DAGS Written Testimony on H.B. 2375, February 5, 2026 (Keith A. Regan, Comptroller)

Exhibit I — DOBOR Written Information to Waikīkī Neighborhood Board, February 10, 2026 (Meghan L. Statts, Administrator) — including misstatement of HRS §200-14(b) fine structure

Exhibit J — Seven Questions Submitted to the Attorney General's Office, January 10, 2025

Exhibit K — Letter from Office of Governor David Ige to Kate Thompson, November 7, 2022

Exhibit L — Letter from Office of Governor Josh Green to Kate Thompson, March 13, 2025

Exhibit M — Photographs of Ala Wai Small Boat Harbor Overflow Parking Lot, May–June 2026 (showing consistent low utilization)

Exhibit N — Sierra Club v. Board of Land and Natural Resources, SCWC-22-0000516 (Haw. Sept. 5, 2025) — Hawaii Supreme Court Opinion (For Publication)

Exhibit O — Draft Comparison: DLNR-Boating Ala Wai Harbor vs. DAGS South Street Parking Lot Management (Citations, Towing, Contract Type, Customer Use), March 1, 2026

Exhibit P — Photographic Evidence of Vehicle Tows Witnessed at Mā'alaea Small Boat Harbor, March 8, 2025 (four vehicles towed within one hour; MPD records for same month show only two reported tows)

Exhibit Q — Video Evidence Reserved for Contested Case Hearing — video documenting tow completed without payment verification

Exhibit R — DOBOR Statewide Revocable Permit Renewal Submittal, Agenda Item J-1, June 12, 2026 (including cancellation of RP No. 158, food truck, Ala Wai Small Boat Harbor, effective September 30, 2025)

Exhibit S — Maui Police Department Towing Records, Mā'alaea Small Boat Harbor Addresses, 2022–2025 (743 total tows reported to dispatch; 432 in 2024)

Exhibit T — License Plate Recognition Camera Car Lease, \$183,000 Annual Cost (DOBOR/Secure Parking Hawaii LLC); photographs and community testimony from BLNR meeting, December 7, 2023

Exhibit U — HawaiiNewsNow Television Report, Ben Gutierrez, October 1, 2025: "Concerns raised as state approves use of 'camera car' to enforce parking at Ala Wai harbor" (screenshots including statements from Petitioner, Arleen Velasco/Surfrider Foundation, Randy Nishimoto/Anuenue Canoe Club, and DOCARE Chief Jason Redulla)

<https://www.hawaiinewsnow.com/2025/10/02/concerns-raised-state-approves-use-camera-car-enforce-parking-ala-wai-harbor/>

Exhibit V — Honolulu Civil Beat, "Ala Wai Harbor Is A Major Tow-Away Zone. Will Better Warning Signs Help?" (Matthew Leonard, June 26, 2025). Petitioner Kate Thompson is quoted: "Better signage and increased ticketing could lead to a 90% reduction in towing." Article independently confirms: "Towing fees are \$165 per vehicle, compared to \$35–\$40 citations at other state parking lots."

<https://civilbeat.org/2025/06/ala-wai-harbor-major-tow-away-zone-warning-signs/>
<https://www.hawaiinewsnow.com/2025/10/02/concerns-raised-state-approves-use-camera-car-enforce-parking-ala-wai-harbor/>

The press record on this matter spans more than three years. The **Honolulu Star-Advertiser** documented available legal remedies for the Ala Wai Small Boat Harbor parking enforcement crisis on **January 2, 2023**. Civil Beat independently confirmed the towing data, the disparity between tow fees and citation costs, and Petitioner's own analysis on **June 26, 2025** — exactly one year before this hearing. The Board is being asked, on June 26, 2026, to deny review of a problem that two independent news organizations documented in detail over the preceding three and a half years. The concerns raised have not been resolved. The towing has not stopped. The citation framework established by the Legislature has still not been implemented. The public

record — in government data, legislative findings, and independent press coverage — fully supports granting a Contested Case Hearing.

APPENDIX: PRESS COVERAGE RECORD — ALA WAI SMALL BOAT HARBOR PARKING ENFORCEMENT

The following news articles document the public record of parking enforcement concerns at Ala Wai Small Boat Harbor spanning more than three years of independent press coverage. This record establishes that the issues raised in this Contested Case Hearing request have been a matter of sustained public concern, legislative attention, and independent journalistic investigation — not a single complaint.

January 2, 2023 — Honolulu Star-Advertiser: "Fight Over Ala Wai Small Boat Harbor's Free Parking Stalls Heats Up" <https://www.staradvertiser.com/2023/01/02/hawaii-news/fight-over-ala-wai-small-boat-harbors-free-parking-stalls-heats-up/>

February 7, 2023 — Honolulu Star-Advertiser: "Bill Strives to Keep Parking Free at Ala Wai Boat Harbor" <https://www.staradvertiser.com/2023/02/07/hawaii-news/bill-strives-to-keep-parking-free-at-ala-wai-boat-harbor/>

February 16, 2023 — Honolulu Star-Advertiser: "Agency Denies Free Parking at Ala Wai Harbor Targeted" <https://www.staradvertiser.com/2023/02/16/hawaii-news/agency-denies-free-parking-at-ala-wai-harbor-targeted/>

November 7, 2023 — Honolulu Star-Advertiser: "Rally, Hearing Set Over Ala Wai Harbor Parking" <https://www.staradvertiser.com/2023/11/07/hawaii-news/rally-hearing-set-over-ala-wai-harbor-parking/>

November 9, 2023 — Honolulu Star-Advertiser: "Hearing Canceled Over Ala Wai Harbor Parking" <https://www.staradvertiser.com/2023/11/09/hawaii-news/hearing-canceled-over-ala-wai-harbor-parking/>

November 10, 2023 — Honolulu Star-Advertiser Editorial Board: "Editorial: Keep Parking Free at Ala Wai Harbor" <https://www.staradvertiser.com/2023/11/10/editorial/our-view/editorial-keep-parking-free-at-ala-wai-harbor/>

December 10, 2023 — Honolulu Star-Advertiser (Ian Bauer) — Honolulu Star-Advertiser: "Parking Contract Extended for Ala Wai Harbor" [https://www.staradvertiser.com/2023/12/10/hawaii-news/parking-contract-extended-for-ala-wai-harbor/](#)

<https://www.staradvertiser.com/2023/12/10/hawaii-news/parking-contract-extended-for-ala-wai-harbor/>

February 24, 2024 — Honolulu Star-Advertiser: "State Nixes Hearings Over Ala Wai Harbor Contract" <https://www.staradvertiser.com/2024/02/24/hawaii-news/state-nixes-hearings-over-ala-wai-harbor-contract/>

October 1, 2025 — HawaiiNewsNow (Ben Gutierrez): "Concerns Raised as State Approves Use of 'Camera Car' to Enforce Parking at Ala Wai Harbor" <https://www.hawaiinewsnow.com/2025/10/02/concerns-raised-state-approves-use-camera-car-enforce-parking-ala-wai-harbor/>

June 26, 2025 — Honolulu Civil Beat (Matthew Leonard): "Ala Wai Harbor Is A Major Tow-Away Zone. Will Better Warning Signs Help?" — Petitioner Kate Thompson quoted: '90% reduction in towing' possible through citations <https://civilbeat.org/2025/06/ala-wai-harbor-major-tow-away-zone-warning-signs/>

SEE EXHIBITS A–U ATTACHED

NOTICE TO REQUESTER

Exhibit A

TO: Kate Thompson
Phone: (808) 387-0321
Email: katet@me.com
(Requester's name)

FROM: Honolulu Police Department
Attn: UIPA/Public Records Requests
801 South Beretania Street
Honolulu, HI 96813
Email: hpdgeneral@honolulu.gov
(Agency, and agency contact person's name, telephone number, & email address)

DATE REQUEST RECEIVED: January 6, 2026

DATE OF ACKNOWLEDGMENT: January 21, 2026

DATE OF THIS NOTICE: February 4, 2026

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):

Requesting the number/amount of calls from the Mr. Tow company to HPD for vehicles towed from the Ala Wai Small Boat Harbor, at 1651 Ala Moana Boulevard for 2025, to be combined into "one table" and to include the 2022, 2023, 2024, and 2025 towing numbers.

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

Will be granted in its entirety.

Tows from 1651 Ala Moana Blvd (From 2022 thru 2025)

	2022	2023	2024	2025
January	194	116	196	111
February	143	116	267	171
March	199	161	227	160
April	165	153	188	253
May	142	164	185	279
June	142	222	229	246
July	179	203	258	208
August	207	226	333	288
September	173	272	247	235
October	137	273	158	257
November	134	209	119	204
December	105	190	105	174
Totals:	1920	2305	2512	2586

- Cannot be granted. Agency is unable to disclose the requested records for the following reason:**
- Agency does not maintain the records. (HRS § 92F-3)
Other agency that is believed to maintain records: _____
 - Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information: _____
 - Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))
 - Requested record(s) does not exist.

Exhibit B (1)

Begin forwarded message:

From: "Li, Bin C" <bin.c.li@hawaii.gov>

Subject: Re: [EXTERNAL] Draft letters offered. Thompson, K. UIPA Request.

Please update DOCARE parking citations 2022-2025

Date: February 12, 2026 at 3:11:38 PM HST

To: Kate Thompson <katet@me.com>

Cc: OIP <oip@hawaii.gov>

Aloha Ms. Thompson,

In response to your request, I'm providing you the following figures which reflect the total numbers of parking citations issued by the Division of Conservation and Resource Enforcement (DOCARE) at the Ala Wai Small Boat Harbor during the specified calendar years.

- 2022: 1 citation
- 2023: 4 citations
- 2024: 4 citations
- 2025: 25 citations

Please feel free to let me know if you have any further questions.

Bin C. Li

Department of Land and Natural Resources

Administrative Proceedings Coordinator

1151 Punchbowl St, Rm 131, Honolulu, Hawaii 96813

Phone (808)587-1496, bin.c.li@hawaii.gov

Exhibit B(2)

From: "Li, Bin C" <bin.c.li@hawaii.gov>
Date: August 7, 2025 at 2:32:08 PM HST
To: Kate Thompson <katet@me.com>
Subject: Re: [EXTERNAL] Re: UIPA response regarding the number of parking citation issued by DOCARE Officers 2021, 2022, 2023, 2024

Yes. These are parking citation numbers.

Bin C. Li
Department of Land and Natural Resources
Administrative Proceedings Coordinator
1151 Punchbowl St, Rm 131, Honolulu, Hawaii 96813
Phone (808)587-1496, bin.c.li@hawaii.gov

From: Kate Thompson <katet@me.com>
Sent: Thursday, August 7, 2025 2:29 PM
To: Li, Bin C <bin.c.li@hawaii.gov>
Subject: [EXTERNAL] Re: UIPA response regarding the number of parking citation issued by DOCARE Officers 2021, 2022, 2023, 2024

Aloha Bin C. Li

Please clarify. The data in your response email to my UIPA request, is the number of parking citations issued by DOCARE officers in the Ala Wai Small Boat Harbor

and the Ma'alaea Small Boat Harbors 2021, 2022, 2023, and 2024?

Thank you,

Kate Thompson

On Aug 7, 2025, at 1:49 PM, Li, Bin C <bin.c.li@hawaii.gov> wrote:

Aloha Kate,

Please see below for the data you requested. Thank you for your patience.

For Citations at Ma'alaea Small Boat Harbor:

2021 - 22
2022 - 16
2023 - 7
2024 - 49

For Citations at Ala Wai Small Boat Harbor:

2021 - 10
2022 - 1
2023 - 4
2024 - 4

Bin C. Li
Department of Land and Natural Resources
Administrative Proceedings Coordinator
1151 Punchbowl St, Rm 131, Honolulu, Hawaii 96813
Phone (808)587-1496, bin.c.li@hawaii.gov

Exhibit C (1)

STAND. COM. REP. NO. 3546

Honolulu, Hawaii

RE: S.C.R. No. 58
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Water, Land, Culture and the Arts, to which was referred S.C.R. No. 58 entitled:

"SENATE CONCURRENT RESOLUTION URGING THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP A PROGRESSIVE ENFORCEMENT FRAMEWORK FOR PARKING VIOLATIONS IN PARKING LOTS UNDER ITS JURISDICTION; ENSURE PROPER USE OF PARKING AREAS BY INTENDED USERS; AND IMPROVE THE PREVALENCE AND CLARITY OF SIGNAGE REGARDING PARKING REGULATIONS, FEES, AND PENALTIES,"

begs leave to report as follows:

The purpose and intent of this measure is to urge the Division of Boating and Ocean Recreation (DOBOR) to:

(1) Develop and implement a progressive enforcement framework for parking violations in parking lots under DOBOR's jurisdiction, including the provision of clear warnings for parking violations before resorting to towing vehicles that are in violation;

(2) Ensure the appropriate use of parking areas by intended users;

(3) Enforce penalties against drivers who improperly use and abuse free parking; and

Exhibit C (1)

(4) Improve the prevalence and clarity of signage regarding parking regulations, fees, and penalties.

Your Committee received testimony in support of this measure from the Climate Protection and Restoration Initiative, Save Surf Parking Coalition, and twenty individuals.

Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that DOBOR oversees sixteen small boat harbors across the State in addition to the corresponding parking areas within each small boat harbor, putting strain on the available resources of DOBOR to enforce parking regulations. While employing officers from the Division of Conservation and Resources Enforcement (DOCARE) to monitor the parking areas would be inefficient and detrimental to the mission of DOCARE, your Committee believes that towing, an enforcement mechanism often used by DOBOR, is an excessively harsh penalty to inflict on vehicle owners for minor violations of parking regulations. This measure would make progress toward a fairer administration of DOBOR-managed parking areas by improving the accountability and transparency of parking enforcement.

Your Committee has amended this measure by:

(1) Inserting findings specifying that the Board of Land and Natural Resources has already approved the use of License Plate Recognition (LPR) technology for Ala Wai Small Boat Harbor, and DOBOR is currently implementing a parking monitoring contract with the parking concessionaire to use LPR technology;

(2) Inserting findings specifying that other state agencies, including the Department of Accounting and General Services, have deputized members of their respective staffs to be able to provide vehicular citations in lieu of relying on contracts for towing;

(3) Inserting language encouraging DOBOR to fully implement parking monitoring contracts that include LPR technology for all parking areas under its jurisdiction and to consider deputizing their staff, as appropriate, to issue parking citations as an additional means of enforcing parking violations; and

(4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Exhibit (2)

SENATE CONCURRENT RESOLUTION

URGING THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP A PROGRESSIVE ENFORCEMENT FRAMEWORK FOR PARKING VIOLATIONS IN PARKING LOTS UNDER ITS JURISDICTION; ENSURE PROPER USE OF PARKING AREAS BY INTENDED USERS; AND IMPROVE THE PREVALENCE AND CLARITY OF SIGNAGE REGARDING PARKING REGULATIONS, FEES, AND PENALTIES.

1 WHEREAS, the Division of Boating and Ocean Recreation
2 (DOBOR) of the Department of Land and Natural Resources is
3 tasked with thirteen statutory mandates, primarily including the
4 operation and management of the State's small boat harbors and
5 the administration of the Ocean Recreation Management Program;
6 and

7
8 WHEREAS, there are currently sixteen small boat harbors
9 across the State under the jurisdiction of DOBOR, along with
10 corresponding parking areas within each small boat harbor; and
11

12 WHEREAS, parking areas at Ala Wai Small Boat Harbor and
13 Maalaea Small Boat Harbor are managed under respective parking
14 concessions, with certain parking users assessed parking fees;
15 and
16

17 WHEREAS, it is not in the best interest of the State or the
18 public to assign the limited numbers of Division of Conservation
19 and Resources Enforcement officers to routine parking citation
20 duties when their specialized training and mission are focused
21 on enforcing laws that protect natural and cultural resources
22 statewide; and
23

24 WHEREAS, although towing may be the most efficient
25 enforcement mechanism in parking lots under the jurisdiction of
26 DOBOR, towing may cause detrimental impacts to the vehicle owner



1 or operator for relatively minor violations in certain
2 instances; and

3

4 WHEREAS, the Board of Land and Natural Resources has
5 already approved the use of License Plate Recognition technology
6 for Ala Wai Small Boat Harbor, and DOBOR is currently
7 implementing a parking monitoring contract with the parking
8 concessionaire to use License Plate Recognition technology; and

9

10 WHEREAS, other state agencies, including the Department of
11 Accounting and General Services, have deputized members of their
12 respective staffs to be able to provide vehicular citations in
13 lieu of relying on contracts for towing; now, therefore,

14

15 BE IT RESOLVED by the Senate of the Thirty-third
16 Legislature of the State of Hawaii, Regular Session of 2026, the
17 House of Representatives concurring, that the Division of
18 Boating and Ocean Recreation of the Department of Land and
19 Natural Resources is urged to develop and implement a
20 progressive enforcement framework for parking violations in
21 parking lots under the Division's jurisdiction, including the
22 provision of clear warnings for parking violations before
23 resorting to towing vehicles that are in violation; and

24

25 BE IT FURTHER RESOLVED that DOBOR is urged to ensure the
26 appropriate use of parking areas by intended users and to
27 enforce penalties against drivers who improperly use and abuse
28 free parking; and

29

30 BE IT FURTHER RESOLVED that DOBOR is urged to improve the
31 prevalence and clarity of signage regarding parking regulations,
32 fees, and penalties; and

33

34 BE IT FURTHER RESOLVED that DOBOR is encouraged to fully
35 implement parking monitoring contracts that include License
36 Plate Recognition technology for all parking areas under its
37 jurisdiction and to consider deputizing its staff, as
38 appropriate, to issue parking citations as an additional means
39 of enforcing parking violations; and

40

41 BE IT FURTHER RESOLVED that certified copies of this
42 Concurrent Resolution be transmitted to the Governor,



- 1 Chairperson of the Board of Land and Natural Resources,
- 2 Administrator of the Division of Boating and Ocean Recreation,
- 3 and Enforcement Chief of the Division of Conservation and
- 4 Resources Enforcement.

I hereby certify that this is a full, true, and correct copy of the original filed in this office.



Assistant Clerk of the Senate
State of Hawai'i
May 12, 2026



Exhibit D

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
WATER & LAND

Tuesday, March 22, 2022
9:30 AM

State Capitol, Conference Room 430, Via Videoconference

In consideration of
HOUSE CONCURRENT RESOLUTION 176/HOUSE RESOLUTION 176
URGING THE BOARD OF LAND AND NATURAL RESOURCES TO APPOINT
HARBOR AGENTS AS ENFORCEMENT OFFICERS FOR THE PURPOSES OF
ENFORCING PARKING VIOLATIONS AT SMALL BOAT HARBORS IN THE STATE.

House Concurrent Resolution 176/House Resolution 176 urge the Board of Land and Natural Resources to appoint Harbor Agents as Enforcement Officers to enforce parking violations at state small boat harbors. **The Department of Land and Natural Resources (Department) appreciates the intent of these measures and offers comments.**

When the Small Boat Harbor Program was under Department of Transportation (DOT) jurisdiction, Harbor Agents had authority to cite for parking violations at small boat harbors. However, due to complaints of favoritism and arbitrary citing, the authority was revoked. Additionally, sworn law enforcement officers are trained to provide court testimony, while Harbor Agents are not. In the event a citation is challenged in court, the Department has concerns about the ability of its Harbor Agents to attend and testify in court. The Department's Division of Conservation and Resources Enforcement provides comprehensive training to its officers so that they are equipped to handle all types of enforcement tasks, including parking enforcement and providing court testimony. The Department therefore believes that parking enforcement authority should remain with sworn law enforcement officers only.

Additionally, the Department encountered issues with accepting parking payments due to parking vendor interruptions. Without also being able to address this issue, the Department may not be able to determine which vehicles are violating parking regulations.

Thank you for the opportunity to comment on these measures.

Exhibit E

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

November 7, 2024

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
RYAN K.P. KANAKA'OLE
FIRST DEPUTY
CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Kate Thompson
Sent via Email: katet@me.com

Aloha Ms. Thompson:

Governor Green has asked me to respond to your October 27, 2024, email regarding the towing of vehicles at state small boat harbors (SBHs).

As you are aware, the Division of Boating and Ocean Recreation (DOBOR), which has jurisdiction over state SBHs, has contracted with a vendor for parking management at some SBHs. We understand that you oppose towing of vehicles at SBHs and prefer citing for parking violations, but under existing law, DOBOR's parking vendors do not have authority to issue parking citations.

Your recommendation to have the Division of Conservation and Resources Enforcement (DOCARE) monitor for parking violations daily is not feasible, given that DOCARE is already short-staffed to begin with and should be focusing its efforts on its main mandate and area of expertise: protection of the State's natural resources.

DOBOR is working closely with Secure Parking Hawaii to develop a procedure for providing a one-time warning to a vehicle committing a parking violation. If there are any further parking violations for that vehicle, it would be towed in accordance with applicable signage. However, this warning procedure would not apply to recreational parking areas during closure hours (from 10:30pm to 4:30am), as the parking area would be closed to the public, and any vehicles in these areas after-hours would be subject to immediate tow.

DOBOR is working to finalize the parking concession contract. Upon execution of the contract, Secure Parking Hawaii will be conducting public outreach with the community. We hope you will engage in meaningful discussions with them.

Sincerely,

Dawn N.S. Chang
Chairperson

c: Governor Green, M.D.
DOBOR

Exhibit F
C+C Oppos
Kawana

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
GOVERNMENT OPERATIONS

Tuesday, February 1, 2022
3:00 PM

State Capitol, Via Videoconference, Conference Room 016

In consideration of
SENATE BILL 2726
RELATING TO PARKING CONCESSIONS

Senate Bill 2726 proposes to exempt parking concessions from the public bidding requirements under the state procurement law. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

The Department operates vehicle parking plans through its various divisions and has found that being restricted to only offering vehicle parking plans by either Chapter 102 or 103D, Hawaii Revised Statutes (HRS), to be disadvantageous and requests the ability to offer vehicle parking plans using different procurement methods other than being limited to using Chapter 102, HRS. This will give the Department the ability to create parking plans that are more advantageous to the State and can be tailored to specific locations and conditions on a case by case basis. The Department will follow the appropriate procurement code when issuing solicitations for parking services.

Thank you for the opportunity to testify on this measure.

Exhibit F

RICK BLANGIARDI
MAYOR



ANDREW T. KAWANO
DIRECTOR

CARRIE CASTLE
DEPUTY DIRECTOR

TESTIMONY OF ANDREW T. KAWANO
DIRECTOR OF BUDGET AND FISCAL SERVICES
CITY AND COUNTY OF HONOLULU
BEFORE THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS
February 1, 2022, 3:00 PM, Conference Room 016 and Videoconference

TO: The Honorable Sharon Y. Moriwaki, Chair
and Members of the Senate Committee on Government Operations

RE: OPPOSITION OF SENATE BILL 2726, RELATING TO PARKING
CONCESSIONS

The Department of Budget and Fiscal Services, City and County of Honolulu (City), **opposes** Senate Bill (SB) 2726, Relating to Parking Concessions.

Hawaii Revised Statutes ("HRS") 102-1(2) defines "concessions" as meaning to grant a person the privilege to "operate a parking lot on property owned or controlled by the State with the exception of buildings, facilities, and grounds operated by or otherwise under the jurisdiction of the department of education."

Parking concessions can generate large amounts revenue and it should not be exempt from a fair and transparent competitive process. Agencies should factor in potential delays when planning and soliciting concessions, the same as in procurement contracts for services. The City would support a competitive sealed proposal process under HRS Chapter 102, if the State is looking to receive a "best value" option, but highly opposes removing any type of competition, especially for parking lot concessions.

For the reasons stated above, the City respectfully opposes Senate Bill 2726.

Mahalo for the opportunity to testify on this bill. Should you have any questions or concerns, please feel free to contact the Department of Budget & Fiscal Services' Division of Purchasing at 808-768-5535 or bfspurchasing@honolulu.gov.

ACT 163

H.B. NO. 1432

A Bill for an Act Relating to Concessions on Public Property.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that section 102-2, Hawaii Revised Statutes, provides that concessions on public property are to be granted by sealed top-dollar bid, with limited exceptions.

Section 102-2, Hawaii Revised Statutes, also allows some concessions to be exempt from bidding requirements because a person or entity offering the most money may not be the best suited or qualified to meet the government's goals to preserve public-owned assets, such as parks, or may not be best suited or qualified to serve the needs of the public, including the enhancement of customer and visitor experiences. Thus, the legislature finds that the controlling factors in the award of concessions should not be limited to pricing or whether a concession is operated by a for profit or nonprofit entity.

The legislature also finds that requiring concessionaires to incur construction costs pose challenges. While public leases may be granted for up to sixty-five years, concession contracts may not exceed fifteen years, making it difficult for agencies to find concessionaires who are willing to invest in the necessary capital improvements to provide satisfactory concession services to visitors and residents of the State. It is difficult for potential concessionaires to generate sufficient revenues to support operations while amortizing the concessions' construction and other costs at the current lease and contract lengths of fifteen years. Accordingly, the legislature believes that it is in the public's best interests to provide flexibility and to authorize the increase of the maximum length of a concession contract. Furthermore, a determination as to whether a county park is environmentally, culturally, historically, or operationally unique for the purpose of determining whether a concession should be exempt from sealed bidding requirements should be made by the director of parks and recreation of the respective county.

The purpose of this Act is to facilitate the provision of concession services to the public by:

- (1) Increasing the maximum length of concession contracts;

- (2) Exempting certain operations of ground transportation services and parking lot operations at small boat harbors from the sealed bid requirements;
- (3) Exempting concessions for beach or ocean-related recreational services from the sealed bid requirements, with certain conditions;
- (4) Providing that a county director of parks and recreation has sole discretion to designate which county parks are environmentally, culturally, historically, or operationally unique for purposes of determining whether a concession at the park is exempt from the sealed bid requirements; and
- (5) Expanding the exemption from the sealed bid requirements for concessions at county zoos, botanic gardens, or county parks that are designated by the respective county director of parks and recreation, in the director's sole discretion, as environmentally, culturally, historically, or operationally unique; provided that the concessions are awarded to responsible offerors whose proposals are the most advantageous, rather than solely to certain nonprofit corporations.

SECTION 2. Section 102-2, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) Except as otherwise specifically provided by law, no concession or concession space shall be leased, let, licensed, rented out, or otherwise disposed of either by contract, lease, license, permit, or any other arrangement, except under contract let after public notice for sealed bids in the manner provided by law; provided that the duration of the grant of the concession or concession space shall be related to the investment required but in no event to exceed ~~[fifteen]~~ twenty-five years for the initial term, and if amended, any then remaining term plus any agreed extension thereof awarded or granted by the government agency making a lease or contract or other arrangement relating to a concession; provided further that and subject to approval by county council resolution, the ~~[fifteen-year]~~ twenty-five-year limit shall not apply to nonprofit corporations organized pursuant to chapter 414D.

(b) The bidding requirements of subsection (a) shall not apply to concessions or space on public property set aside for the following purposes:

- (1) For operation of ground transportation services and parking lot operations at airports~~[s]~~ and small boat harbors, except for motor vehicle rental operations under chapter 437D;
- (2) For lei vendors;
- (3) For airline and aircraft operations;
- (4) For automated teller machines and vending machines, except vending machines located at public schools operated by blind or visually handicapped persons in accordance with section 302A-412;
- (5) For operation of concessions set aside without any charge;
- (6) For operation of concessions by handicapped or blind persons; except concessions operated in the public schools by blind or visually handicapped persons in accordance with section 302A-412;
- (7) For operation of concessions on permits revocable on notice of thirty days or less; provided that no such permits shall be issued for more than a one year period;
- (8) For operation of concessions or concession spaces for a beach service association dedicated to the preservation of the Hawaii beach boy tradition, incorporated as a nonprofit corporation in accordance with state law, and whose members are appropriately licensed or certified as required by law;

ACT 163

- (9) For operation of concessions or concession spaces providing for beach or ocean-related recreational services; provided that the concessions are awarded to the responsible offeror whose proposal is determined to be most advantageous, taking into consideration prices and evaluation factors set forth in the request for proposals;
- ~~[(9)]~~ (10) For operation of concessions at county zoos, botanic gardens, or ~~[either]~~ county parks ~~[which]~~ that are designated by the respective county director of parks and recreation, in the director's sole discretion, as environmentally, culturally, historically, or operationally unique and are supported[,] by nonprofit corporations incorporated in accordance with state law solely for purposes of supporting county aims and goals of the zoo, botanic garden, or [either] designated county park, and operating under agreement with the appropriate agency solely for [such] those purposes, aims, and goals;
- (11) For operation of concessions at county zoos, botanic gardens, or county parks that are designated by the respective county director of parks and recreation, in the director's sole discretion, as environmentally, culturally, historically, or operationally unique; provided that the concessions are awarded to the responsible offeror whose proposal is determined to be the most advantageous, taking into consideration prices and evaluation factors set forth in the request for proposals;
- ~~[(10)]~~ (12) For operation of concessions that furnish goods or services for which there is only one source, as determined by the head of the awarding government agency in writing; provided that the written determination shall be included in the contract file;
- ~~[(11)]~~ (13) For any of the operations of the Hawaii health systems corporation and its regional system boards;
- ~~[(12)]~~ (14) For airport operation of concessions; ~~[[and]]~~
- ~~[(13)]~~ (15) For the operations of the natural energy laboratory of Hawaii authority."

SECTION 3. Section 171-56, Hawaii Revised Statutes, is amended to read as follows:

“§171-56 Contract or license for concessions or concession space. The board of land and natural resources may, subject to chapter 102, dispose of concessions, as defined in chapter 102, and shall enter into contracts or issue licenses for such concessions; provided that the duration of the contract or license shall be related to the investment required, but in no event to exceed ~~[fifteen]~~ twenty-five years.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.
(Approved June 27, 2022.)

EXHIBIT H**Written Testimony of Keith A. Regan, Comptroller
Department of Accounting and General Services (DAGS)**

On H.B. 2375, Relating to Parking

February 5, 2026

DOCUMENT DETAILS**Author:** Keith A. Regan, Comptroller, Department of Accounting and General Services**Bill:** H.B. 2375, Hawai'i State Legislature, Regular Session of 2026**Date:** February 5, 2026**Direct link to testimony PDF:**https://www.capitol.hawaii.gov/sessions/session2026/Testimony/HB2375_TESTIMONY_TRN_02-05-26_.PDF**KEY POINTS FROM THE TESTIMONY**

In written testimony before the House Committee on Transportation, Comptroller Regan testified on behalf of DAGS regarding the Department's parking enforcement practices at state facilities statewide. The testimony is significant for the following reasons:

Citation-first enforcement. DAGS described its parking enforcement as resting on "established and effective rules" under Chapter 3-30, Hawaii Administrative Rules. Those rules require that vehicles in expired metered stalls "shall receive citations and fines" — with vehicle removal available only as an additional consequence, not a first response.

Scale of enforcement. In 2025, DAGS issued approximately 5,028 parking citations at its South Street facility in Honolulu — a facility managing approximately 900 stalls (comparable in scale to Ala Wai Small Boat Harbor) and DAGS towed one vehicle that year.

Designated citation staff. DAGS has designated members of its staff to issue parking citations directly — not full sworn law enforcement officers, but parking enforcement agents authorized specifically to issue parking violation citations, similar to traffic citation clerks. This is precisely the model SCR 58, SD1, HD1 (2026) encourages DOBOR to consider: deputizing appropriate staff to issue citations as an additional enforcement means, without requiring full DOCARE officer involvement for every parking overstay.

Same legal framework. DAGS operates under the same State of Hawai'i statutory and regulatory framework available to DLNR and DOBOR. The DAGS model demonstrates that citation-first parking enforcement is operationally feasible, financially sustainable, and legally established under existing State law — without towing as a first resort.

SOURCE AND METHODOLOGY: THE 5,028 CITATION FIGURE

DAGS tracks its citation data by fiscal year, not calendar year. To create a direct apples-to-apples comparison with petitioner's HPD tow records and DOCARE citation records — both of which cover calendar year 2025 — petitioner requested the raw monthly citation data from DAGS. That data was provided by Henny Saraswati, Secretary, Automotive Management Division, DAGS, by email dated March 6, 2026, copying

Richard Hung of DAGS parking control enforcement. Petitioner summed the twelve months of calendar year 2025 from that raw monthly data:

Jan 2025: 433	Jul 2025: 397
Feb 2025: 379	Aug 2025: 389
Mar 2025: 524	Sep 2025: 447
Apr 2025: 539	Oct 2025: 523
May 2025: 424	Nov 2025: 247
Jun 2025: 423	Dec 2025: 303

Calendar Year 2025 Total: 5,028 citations (O'ahu DAGS lots)

In that same calendar year, Ala Wai Small Boat Harbor — with approximately 900 total stalls — issued 25 parking citations and towed 2,586 vehicles. Although the parking lots vary in terms of use and configuration, the general comparison is meaningful: a well-managed state parking program operating under established rules produced 5,028 citations and one tow in calendar year 2025. Ala Wai, managing a comparable number of stalls, produced 25 citations and 2,586 tows in the same year. That is not a difference of degree. It is a difference in policy and philosophy — specifically, how the State chooses to treat members of the public who are simply trying to park on government-owned land.

CONTEXT: WHY HB 2375 WAS INTRODUCED

A person parking at a DAGS facility in downtown Honolulu receives a citation of approximately \$40.00. A person parking at a DAGS facility outside downtown receives approximately \$35.00. This variation exists because HAR §3-30-19 ties DAGS citation amounts to the applicable county parking ordinance for the location of the lot. Either way, the financial consequence of a minor overstay at a DAGS facility is a proportional, documented, appealable citation. A person parking at a state small boat harbor faces immediate towing at \$165.00 or more. Same state land. No uniformity. No consistent public notice of what the consequences of a minor overstay will be.

HB 2375 sought to make parking enforcement systems more uniform across state-owned parking facilities statewide — DAGS lots, the airport, and state small boat harbors. The bill passed through its substantive policy committees but was stopped in the Senate Ways and Means Committee in 2026, the final assigned committee, before it could be enacted. The bill's failure to pass does not diminish the policy problem it identified. If anything, the legislative history of HB 2375 confirms that the inconsistency across state parking enforcement is a recognized problem — one that DAGS has already solved within its own facilities, and one that BLNR has the authority and obligation to address within the parking concession contracts it oversees under Act 163.

In March 2022, DLNR Chairperson Suzanne Case testified before the Legislature on HCR 176 (Exhibit D). She acknowledged that harbor agents had previously issued parking citations but that authority was "nixed" due to concerns about favoritism. She testified that DOCARE officers handle parking citations at state small boat harbors and that "it should stay that way." She described \$35.00 as the appropriate cost of a parking violation. The Legislature accepted that testimony. The public accepted that testimony.

In 2022 — the year of that testimony — DOCARE issued exactly one parking citation at Ala Wai Small Boat Harbor. One thousand nine hundred and twenty vehicles were towed at \$165.00 each. In the four years that followed, DOCARE issued a total of thirty-four

citations. Nine thousand three hundred and twenty-three vehicles were towed. DLNR never staffed for citation enforcement. DLNR never required citation authority in any parking concession contract. DLNR never closed the gap between what its Chairperson told the Legislature and what actually happened at the harbor.

For years, DOBOR and DLNR told the Legislature, the Board, and the public that they lacked the statutory or regulatory authority to require citations — that the law did not permit it, that the rules did not support it, that a working group was needed to study the question. The DAGS testimony, submitted February 5, 2026, answered that claim with four words: we have the rules.

DAGS did not convene a working group. DAGS did not seek new legislation. DAGS did not claim its officers were too specialized for parking duty. DAGS read Chapter 3-30 of the Hawaii Administrative Rules, trained its staff to issue citations, and issued 5,028 of them in 2025 while towing one vehicle. The same statutory and regulatory framework was available to DLNR and DOBOR on the first day Secure Parking Hawaii LLC took over the Ala Wai parking concession in 2021. It remains available today.

The DAGS testimony is significant not because it is surprising — but because it is so straightforward. A state agency, operating under state law, on state land, issued parking citations because the rules said to. No drama. No working group. No claim that towing was the only option. Just the rules, followed. Comptroller Regan's testimony did not mention DLNR or DOBOR by name. It did not need to. The contrast speaks for itself.

DOBOR has repeatedly told the Legislature, the Board, and the public that citation-based parking enforcement is operationally impossible or legally unavailable at state small boat harbors. The DAGS testimony directly contradicts that position. A state agency operating under the same laws, managing a comparable number of parking stalls, issued over 5,000 citations and towed one vehicle in 2025. DOBOR's "only option" claim is a policy choice, not a legal or operational necessity. The DAGS testimony makes that plain.

*This exhibit is submitted in support of petitioner's pending Request for a Contested Case Hearing filed October 3, 2025. The full DAGS written testimony is available directly at:
https://www.capitol.hawaii.gov/sessions/session2026/Testimony/HB2375_TESTIMONY_TRN_02-05-26_.PDF*

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

MEGHAN L. STATTS
ADMINISTRATOR
BOATING AND OCEAN RECREATION

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
DIVISION OF BOATING AND OCEAN RECREATION

4 SAND ISLAND ACCESS ROAD
HONOLULU, HAWAII 96819

**Information for the February 10, 2026 Waikīkī Neighborhood Board Meeting
Regarding Ala Wai Small Boat Harbor Parking Enforcement**

We apologize for being unavailable to appear in-person for the February 10 Neighborhood Board meeting. The Division of Boating and Ocean Recreation (DOBOR) is providing this written response and additional pertinent information to clarify parking enforcement practices at Ala Wai Small Boat Harbor and address several common misunderstandings.

Towing has not replaced parking citations at Ala Wai Small Boat Harbor.

- Under current law and rules, the DLNR Division of Conservation and Resources Enforcement (DOCARE) has the authority to issue parking citations as sworn law enforcement officers, among other duties.
 - However, we do not believe it is in the State's best interest to divert limited numbers of DOCARE officers to routine parking citation duties within harbors when their specialized training and mission are focused on enforcing laws that protect Hawai'i's natural and cultural resources statewide. Assigning DOCARE officers to parking enforcement is an inefficient use of personnel needed for public safety, conservation, fisheries and wildlife protection, cultural preservation, and boating safety.
- DOBOR employees do not have statutory authority to issue parking citations, unlike DOCARE, county police departments, and deputized parking officers of the Department of Accounting and General Services.
- DOBOR evaluated other measures for parking enforcement, other than towing:
 - Wheel clamp/wheel boot: prohibited under Hawaii law.
 - "Barnacle" (device placed on a vehicle's windshield to block the driver's view): only effective for compelling payment of parking fees/fines and not effective for removing vehicles parked without authorization or past applicable time limits.
- Towing is a long-standing enforcement tool used to address unauthorized parking in almost all parking lots, whether public or private. Towing as an enforcement tool has been in effect at Ala Wai Small Boat Harbor since the parking concession was instituted in 2008.
- Vehicles may be towed for parking in posted no-parking areas, access lanes, or restricted zones; for creating safety or access hazards; for improper use of parking stalls, including paid vehicles parked in recreational or permit-designated areas; or for failure to pay in paid parking stalls, pursuant to Hawaii Administrative Rule Chapter 13-233.

Looking at the numbers of vehicular tows versus citations is not an equivalent comparison.

- Simply looking at the number of tows without further analysis does not take into consideration that towing data includes removals for safety, obstructions to public access, overstay in the recreational area, paid parking but parked in a recreational stall, operational violations, and non-payment, etc. Therefore, these figures should not be used to conclude that towing has replaced citation as an enforcement method.

What are the penalties for parking violations?

- Pursuant to Hawaii Revised Statutes (HRS) Section 200-14(b), violations of DOBOR rules regarding vehicular parking or traffic movement constitute a traffic infraction under HRS Chapter 291D, with fines as follows:
 - \$100 for a first violation
 - \$200 for a second violation
 - \$500 for a third or subsequent violation

Neither DLNR, DOBOR, nor the parking management vendor financially benefit from towing vehicles.

- Towing fees are paid directly by the vehicle owner/operator to the towing company.
- Towing is not used as a revenue-generating mechanism. DLNR, DOBOR, and Secure Parking (DOBOR's parking management vendor) do not derive any revenue from towing charges/fees. Further, towing charges/fees are set by the towing company and are not dictated by DLNR, DOBOR, or Secure Parking.

Are signage issues the reason for towing activity?

- DOBOR has determined that a portion of the towing activity can be attributed to unclear and/or lack of signage. Therefore, DOBOR is working with Secure Parking to improve signage prevalence, visibility, and clarity.

Is DOBOR making changes to parking management?

- Yes. DOBOR is implementing a parking monitoring contract with Secure Parking to utilize License Plate Recognition (LPR) technology.
- The Land Board approved use of LPR technology for Ala Wai Small Boat Harbor on September 26, 2025 (Agenda Item J-1). The contract is currently being finalized with anticipated implementation by Q2 2026.
- LPR technology will allow Secure Parking to implement a "two-warning" approach, where vehicles will be afforded two non-punitive warnings before the vehicle is subject to tow, consistent with direction given by the Land Board at its September 26, 2025, meeting. DOBOR and Secure Parking believe that this is a fair alternative to citation or towing for initial violations and addresses concerns regarding "immediate towing."

What is LPR technology and How Will It Address Parking Issues?

- LPR technology uses vehicle-mounted cameras and software operated by Secure Parking. Secure Parking has already successfully implemented LPR technology for parking enforcement at Walmart/Sam's Club in Ala Moana and throughout Australia.

Information for the February 10, 2026 Waikīkī Neighborhood Board Meeting
Regarding Ala Wai Small Boat Harbor
Page 3 of 3

- Capable of scanning over 2,400 license plates per hour.
- The LPR system will integrate with existing systems, including: pay stations, the DOBOR permittee database, and scan-to-pay systems, allowing the parking management staff to verify valid payments, active permits, and time limit compliance.
- LPR technology will also allow parking management staff to differentiate between hourly paid parking users, monthly permit holders, and recreational parking users.
- LPR technology will greatly increase accuracy (computer recognition of license plates and cross-referencing in Secure Parking's electronic database) and efficiency (allows for monitoring of all Ala Wai Small Boat Harbor parking stalls using one patrol vehicle conducting randomized patrols).
- The LPR system will immediately alert parking management staff of parking violations and will allow for immediate issuance of printed warnings that will be placed on the offending vehicle(s).

LPR Reporting and Oversight

- Secure Parking will provide quarterly reports to DOBOR, including:
 1. Total number of warnings issued
 2. Reasons for warnings
 3. Vehicles exceeding the warning threshold and being subsequently towed
- The LPR system is designed to monitor three (3) parking zones at Ala Wai Small Boat Harbor:
 1. Paid parking
 2. Permittee parking
 3. Free recreational parking (6-hour time limit)

LPR Program Objectives

- *Improve consistency and fairness in enforcement.*
- Better understanding parking demand and misuse, including "hot spots" or problem areas.
- Allow for a warning-based approach prior to towing.
- Focus on data accuracy, not increased penalties.
- Achieve the highest and most efficient public use of Ala Wai Small Boat Harbor and the surrounding ocean waters.

What does DOBOR aim to address with its parking management and enforcement plans?

- The most common complaints DOBOR receives are regarding abuse of the 6-hour free parking time limit in the recreational user lot. The recreational lot is intended to provide free parking specifically for beach and ocean users. However, DOBOR is aware that users who should be parking in paid areas abuse the free parking stalls, such as employees in nearby businesses and customers of commercial operations in the harbor.

The Seven Questions for the Attorney General, State of Hawai'i

Date: January 10, 2025 (Revised for clarity on 5-18-2025, to be included in letter to be sent to the AG 5-19-2025)

Related to: Jan. 10, 2025 BLNR Agenda Items J-1 and J-2 – Parking Management Contract with Secure Parking LLC (Concierge's Car Wash and Traffic Management).

We respectfully request that the Attorney General's Office provide written responses to the following questions. These issues were raised during public testimony on BLNR agenda items J-1 and J-2 in which DOBOR/DLNR requested denials to our Requests for Contested Case Hearings Requests. As members of the boating public, we expressed our concerns on the legality, authority, and due process implications of parking enforcement contracts at State Small Boat Harbors. All BLNR members (member Canto on zoom, Barnes and Yoon absent), received a hard copy of this list of questions from the Attorney General, including Chair Chang and the Deputy Attorney General Collin Lau.

1. Due Process in Parking Enforcement

Does the State of Hawai'i owe the public a "ticketing stage" before towing for parking violations on state boat harbor lands? This question addresses whether due process requires a citation or warning (such as those issued by DOCARE or HPD) before private towing or fee collection is permitted under DLNR contracts?

2. Authority to Create New Penalty Systems

Under Act 163, does the BLNR now have the legal authority to approve a (hypothetical) DOBOR/DLNR submittal to implement a new penalty 'middle level' parking enforcement fine system?

For example, can the BLNR authorize:

- A \$35.00 to \$40.00 fine payable directly to Secure Parking LLC?
- If so, can the public make payments at Secure Parking's retail office, or on the Secure Parking website?
- Can a credit card payment be used to remove a private vehicle immobilization device, like the windshield "Barnacle"?

3. Consistency with State Citation Penalties

If such a system is allowed, in which the private company is allowed to issue fines (already done at C&C Honolulu Zoo), should the private parking penalties be consistent with DOCARE or HPD citation amounts? (e.g., \$35 for expired meter, or wrong-stall violations, the current enforcement charge of the tow is disproportionately higher than other parking financial penalties).

4. Oversight and Record-keeping

Should the contracted parking vendor (permittee) be required to submit towing records to the DLNR as part of its obligation to public oversight and transparency? (For Ma'alaea SBH Secure Parking LLC has been allowed their own direct contract with the towing company.) This question is especially relevant under Act 163, (2022 revision) which restructured the parking procurement process to allow DOBOR/DLNR/BLNR Direct Issuance Contracts.

5. Mistaken Tows and Remedies

If a vehicle is (accidentally) wrongly towed, what entity can offer a financial remedy to the vehicle owner?

- Is the vendor allowed to issue a refund or return the vehicle to the site?
- Or must the remedy go through a formal post-tow hearing process conducted by DOBOR/AG Deputy?

6. Post-Tow Hearing Timeline Discrepancy

What is the AG's opinion on the rationale behind the 5-day deadline to file a post-tow hearing request with DOBOR, when HPD and other citation systems allow 21 days to contest a citation (HRS 291-(6)a). Is the shortened deadline from 21 to 5 days lawful and fair under due process standards?

7. BLNR's Authority to Initiate an Audit or Investigation

Does the BLNR have the authority to initiate a study, audit, or investigation into harbor towing practices on its own?

For example, could the Board:

- Randomly select 100 of the last 1,000 vehicles towed;
- Contact those individuals;

- Determine if they were offered a post-tow hearing form;
- And whether the tow company required them to pay cash only and if other payment methods such as payment by credit card were denied at the tow yard?

We believe these questions are critical to restoring public trust and ensuring the DLNR's parking policies operate within the bounds of the law. We respectfully ask that the AG's office respond in writing before any multi-year contracts, or penalty systems are approved by the BLNR.

Thank you for your time and consideration

Sincerely,

Kate Thompson: katet@me.com,

John Fitzpatrick: fitzformaui@gmail.com

Karen Boyer: kboyer@hawaii.edu

Exhibit K

On Nov 7, 2022, at 9:23 AM, Office of the Governor <officeofthegovernor@hawaii.gov> wrote:

EXECUTIVE CHAMBERS
HONOLULU

David Y. Ige
GOVERNOR

November 7, 2022

Ms. Katherine Thompson
XXXXXXXXX
Kailua, Hawaii 96734 United States
katet@me.com

Dear Ms. Thompson:

This is in response to your October 14, 2022 letter regarding parking, signage, and towing at the Ala Wai Small Boat Harbor.

Hawaii Administrative Rule Section 13-233-8 provides that the Department of Land and Natural Resources has the authority to tow any vehicle at any time for nonpayment of parking charges. Existing laws and administrative rules do not provide for any grace period or "pause" in enforcement for overstaying any parking limits.

As you are well aware, Ala Wai Small Boat Harbor is one of the most heavily used and trafficked public facilities in the State. Therefore, the Department must facilitate fair and equitable use of the public facilities to residents and visitors alike, which includes removal of vehicles parked in violation of any parking laws and rules.

Your concerns are taken seriously, and we appreciate your attentiveness to these issues. Your letter was forwarded to the Department for further review and follow-up. Should you have any questions or concerns, please feel free to contact Ed Underwood, Division of Boating and Ocean Recreation Administrator, at 808-587-1966.

With warmest regards,

Office of the Governor
State of Hawai'i

EXECUTIVE CHAMBERS, STATE CAPITOL • HONOLULU, HAWAII 96813
PHONE: (808) 586-0034 • FAX: (808) 586-0006 • GOVERNOR.HAWAII.GOV

Exhibit L

From: Office of Governor Josh Green, M.D officeofthegovernor@notify.hawaii.gov
Subject: re: General Case Request (DLNR)
Date: March 13, 2025 at 12:51 PM
To: Kate Thompson katet@icloud.com



March 13, 2025

Aloha Ms. Thompson,

This is a follow up response to the issue inquired about on March 11, 2025.

We understand how this parking situation makes it difficult for visitors at the Ma'alaea Small Boat Harbor. The Department of Land and Natural Resources has confirmed that Division of Boating and Ocean Recreation (DOBOR) has corresponded with you regarding this issue in the past.

DOBOR, like many other state and local government agencies, uses a private parking service to control their parking lot. Due to this being a private company, they are unable to issue tickets in the manner that law enforcement can, therefore, they have to enforce towing as a solution in line with their parking signs.

Although towing is unfortunate, DOBOR has to resort to the towing option, otherwise cars will sit in the parking lot and prevent other patrons from enjoying the space.

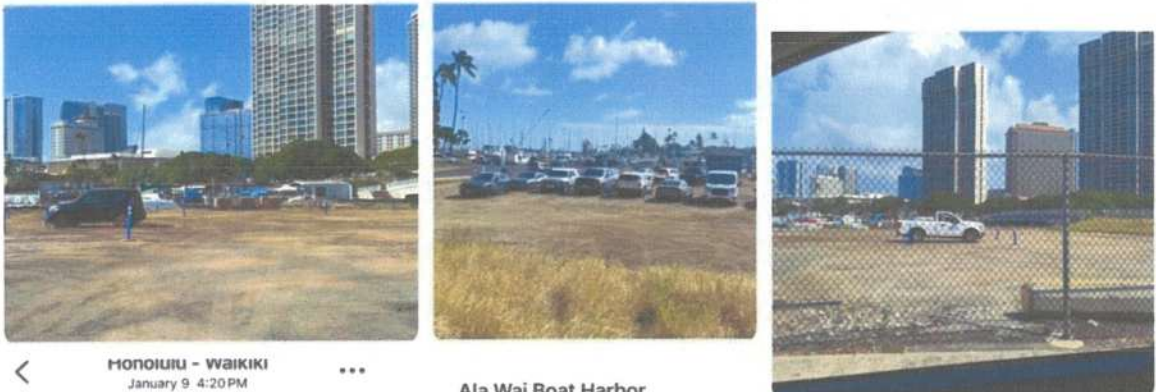
We understand that you would like to contact the Attorney General's Office regarding this issue. Here is the contact information for their agency:

<https://ag.hawaii.gov/contact-us/>

Once again, we deeply appreciate you taking the time to share your views with us,



The date appears above the respective photo



Pre-lunch trucks 2022



SUMMARY OF HAWAII SUPREME COURT OPINION

Sierra Club v. Board of Land and Natural Resources

SCWC-22-0000516 (Haw. Sept. 5, 2025)

Unanimous Opinion | For Publication | Recktenwald, C.J., McKenna, Eddins, Devens, JJ.

WHAT THE CASE WAS ABOUT

Alexander & Baldwin had been diverting millions of gallons of fresh water from East Maui streams for over twenty years under a series of annually renewed “temporary” revocable permits issued by BLNR under HRS §171-55 — the same statute that governs DOBOR’s revocable parking concession permits at Ala Wai Small Boat Harbor. In November 2020, before BLNR voted to renew the permits for 2021, the Sierra Club properly and timely filed a request for a contested case hearing. BLNR denied that request and proceeded to vote to renew the permits at a public meeting. The Sierra Club appealed.

WHAT THE HAWAII SUPREME COURT HELD

1. **BLNR violated due process.** Constitutional due process entitled Sierra Club to a contested case hearing before BLNR voted to renew the permits. BLNR’s denial of that request and its decision to proceed directly to a vote at a public meeting was a violation of Sierra Club’s constitutional rights.
2. **Public testimony is not a substitute for a contested case hearing.** The Court held unequivocally that public participation at a public meeting — including written and oral testimony — does not satisfy due process when a contested case hearing is required by law or by the nature of the interests at stake.
3. **A Board decision made after wrongful denial is subject to vacatur.** An agency decision made after the wrongful denial of a contested case hearing is a final decision and order subject to judicial review under HRS §91-14. The Environmental Court had jurisdiction to vacate the invalid permits and remand to BLNR for a proper contested case hearing.
4. **BLNR has a track record of this error.** The Sierra Club opinion was not an isolated rebuke. In a separate submission to BLNR dated October 10, 2025, Sierra Club’s attorneys noted that BLNR had also been found to have improperly denied contested case hearings in at least three other cases in 2025 alone: *Kia’i Wai O Wai’ale’ale v. BLNR* (Kaua’i water diversion); *Ralston v. BLNR* (Kahala Hotel chairs on beach); and *Nā Moku v. BLNR* (East Maui water, environmental court).

WHY THIS OPINION APPLIES DIRECTLY TO THE PENDING CCH REQUEST

The Sierra Club case arose under HRS §171-55 — the same statutory authority that governs DOBOR’s revocable parking concession permits at Ala Wai Small Boat Harbor. The situations are not identical but the constitutional principle is the same:

- A&B had annually renewed “temporary” revocable permits for over twenty years. Secure Parking Hawaii LLC has held annually renewed revocable permits at Ala Wai since 2021, including a three-year Direct Issuance Contract approved in 2025 that was vigorously opposed through written and oral testimony at BLNR meetings by members of the public and nonprofit public advocacy organizations.

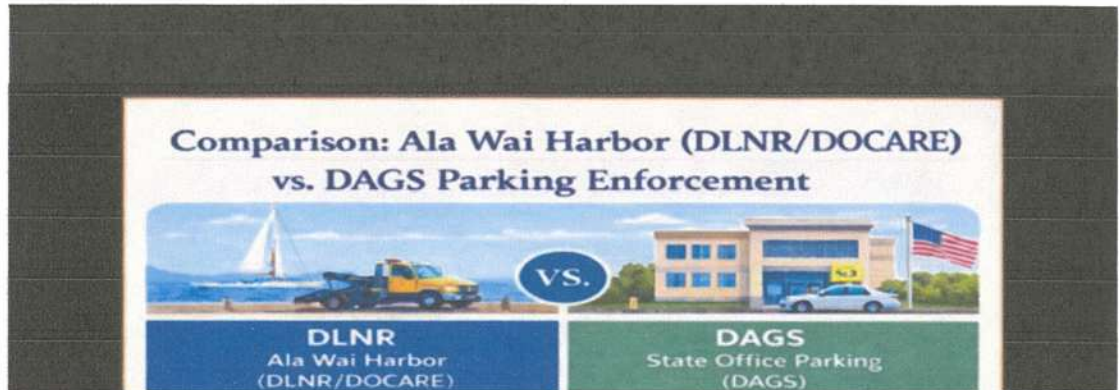
- Sierra Club properly and timely requested a contested case hearing before BLNR voted, and BLNR denied it and proceeded to vote anyway. Petitioner Kate Thompson filed a Request for a Contested Case Hearing on October 3, 2025 — one week after the Board voted 5-1 on September 26, 2025 to approve J-1, delegate parking concession authority to the DLNR Chairperson, and authorize the LPR camera car system — over 37 written testimonies in opposition and zero in support. The Board has neither granted nor denied petitioner's CCH request. It remains pending and unresolved. This Supplemental Statement is submitted to ensure the Board has the most complete and current record when it finally acts on that request.
- The Sierra Club opinion was issued September 5, 2025 — exactly three weeks before the Board's September 26 vote. The Board voted on J-1 with that opinion freshly issued. The Board has since been on notice that continuing to act on matters affecting constitutionally protected interests while a timely CCH request sits unresolved is precisely the pattern the Court addressed.
- Under the Sierra Club framework, where a Board decision is made after the wrongful denial of a CCH, that decision is subject to vacatur and judicial review. The Board now has the opportunity — before acting further on the parking concession — to grant petitioner's pending CCH request and avoid that outcome.

Petitioner's October 3, 2025 Request for a Contested Case Hearing remains pending. The Board has not yet denied it. At the September 26, 2025 meeting, petitioner gave oral testimony and stated on the record her intention to file a CCH request. Six days later, on October 2, 2025, Hawaii News Now aired a television report documenting the public concerns raised by the Board's approval of the LPR camera car enforcement system — confirming that community concern was immediate, widespread, and a matter of statewide public interest. Petitioner filed her formal CCH request the following day. *This Supplemental Statement is not a litigation threat. It is a reminder that the contested case hearing process exists precisely for situations like this one — where a matter is consequential, the record is contested, and the public deserves a formal evidentiary proceeding rather than a public meeting vote. The Hawaii Supreme Court affirmed that principle unanimously on September 5, 2025. Petitioner respectfully asks the Board to honor it.*

Full citation: Sierra Club v. Board of Land and Natural Resources, SCWC-22-0000516 (Haw. Sept. 5, 2025) (For Publication in West's Hawai'i Reports and Pacific Reporter). Opinion by Devens, J.; Recktenwald, C.J., McKenna, Eddins, JJ., and Circuit Judge Malinao concurring. Full opinion attached as Exhibit N.

Exhibit O — Ala Wai Harbor (DLNR/DOCARE) vs. DAGS Parking Enforcement

Source: Surfparking.org CCH Supplemental Statement, June 2026



Category	DLNR — Ala Wai Small Boat Harbor (DLNR / DOCARE / Secure Parking)	DAGS — State Office Parking (Citation-First Model)
Number of Stalls	941 (per DOBOR Parking Plan A-2)	939 (per DAGS email response, UIPA)
Primary Enforcement	Towing after payment expiration, no citation issued, no grace period.	Citation-first enforcement.
Citation Use	Essentially none. Only 25 citations in 2025.	Over 400 per month — 5,028 total citations issued in 2025.
Escalation Model	2,586 tows in 2025.	Only 1 tow in 2025.
Warning / Notice	None before towing. DOBOR proposes two written warnings but DLNR has no operational details.	Ticket placed on vehicle before any tow.
Responsible Authority	DOBOR/DLNR contracts with private parking and towing companies. Tow truck driver has access to real time meter payment information from the parking concessionaire. Most tows are 'meter overstay', some are for parking after 10:30 pm (likely 25%, analytics, not avail.)	DAGS parking control office — State employees issue citations. DAGS maintains monthly records of citations and tows. Department has data easily available and UIPA request answered promptly.
How Tow Driver Knows to Tow	Secure Parking LLC Concessionaire sends meter data to Tow Driver via tablet in real time. No public employee — only the tow driver decides. Takes a photo.	DAGS administration organizes the rare tow — always a managed decision with government oversight.
Predictability for Public	Most drivers do not know a meter overstay results in a tow. Signage rated 'needs improvement' even by DOBOR/DLNR (SCR 58 testimony).	Customer receives a citation. Opportunity to remedy with a \$35–\$40 fine paid to Traffic Court.
Revenue Structure	Low income to State from citations. 100% of \$165 tow fees to Mr.Tow LLC Per year math: 2,586 × \$165 = \$426,690.	High income to State from citations, payments go to DAGS monitored general fund. Tow fees go to tow company — but there is only 1 tow per year.

Data: HPD public records UIPA on towing, DLNR/DOCARE UIPA citation records, DAGS legislative testimony Feb. 5, 2026 and follow up UIPA requests. The statistics shown are from 2025, unless otherwise noted.

Note: This document reproduces verbatim the text of petitioner's March 11, 2025 email to Governor Josh Green, M.D. It has been reformatted for reading ease. Photographs have been reduced in size. The original email with full-size photographs is available upon written request.

From: Kate Thompson katet@me.com

To: Josh.green@hawaii.gov

Date: March 11, 2025 at 6:03 PM

Subject: Four vehicles towed from Ma'alaea Small Boat Harbor Saturday morning 3-8-2025, within one hour. Please allow me to meet with you or a member of staff for 20 minutes. Mahalo.

March 11, 2025

Dear Governor Josh Green, M.D.,

I am writing to you today to express my concerns regarding the harsh vehicle towing practices in our State Recreational Small Boat Harbors (SBH).

On Saturday morning, March 8, 2025, I witnessed four vehicles being towed from the harbor within one hour at Ma'alaea Boat Harbor. These towing incidents underscore the urgent need for action to address the issue of "instant towing" in our harbors, as towing is the only penalty for minor parking offenses.

It is important to note that TOWING in the State SBH's has become the sole financial penalty for parking nonpayment. While this approach may seem efficient, it has resulted in confusion and frustration among the public. Many individuals are left bewildered by the pay stations and some do not pay successfully. If towed, they struggle to navigate the situation, take a taxi/uber to the tow yard, to retrieve their vehicle.

Many of us Hawai'i resident boaters and harbor users have worked over the past three years advocating for the public against the towing; we have worked at all levels of government (DOBOR, DLNR, BLNR, Legislature, OIP), trying to prevent towing. We have yet to see any significant progress in this matter. Solutions would include: better parking signage on poles, ground labeling, accurate parking maps and most importantly (reinstating) the parking CITATION stage of parking enforcement. The public is counting on the State to act in a fair manner.

Currently, the Division of Boating and Ocean Recreation (DOBOR) and the Department of Land and Natural Resources (DLNR) appear to be perpetuating "instant towing" as the penalty for minor parking offenses. No work is being done by DLNR, at the Board of Land and Natural Resources (BLNR) level or Legislative level to 're-establish the citation phase' of parking management.

I would be honored to meet with you, or a member of your staff with expertise in legal or consumer affairs, to discuss this matter further. I believe that by sharing the history of the problem and providing relevant documents, that you will see for yourself that the interventions to improve parking management at the harbors, will require a directive from the Attorney General, sent to the Division of Boating and Ocean Recreation and the DLNR Chair, Dawn Chang.

It is crucial to recognize that no portion of the towing fees collected goes back to the State, and no 'set aside' for parking lot improvements either. Furthermore, no portion of

towing fees goes to the parking permittee, referred to as 'Secure', which operates the pay machines. The towing company keeps all money from the tow.

The public deserves a safe and efficient parking environment, with equitable financial penalties to other State run parking lots. I am confident that you, as Governor, can take the necessary actions to achieve this goal.

I would appreciate the opportunity to meet with you or a member of your staff. I would need 20 minutes to share the basics. Your staff member could then provide you a summary of our meeting, and give you with the support documents I will bring to the meeting such copies of the parking/towing contracts, BLNR transcripts, and public testimony.

Mahālo,

Kate Thompson

808-387-0321

Attached are photographs of three of the tows I observed; the fourth tow was photographed, but I did not have my phone available at the time.

Additionally, there is a photograph of the individuals standing near the pay station. They were visibly confused by the payment machine, and one of the individuals was a Maui resident. I assisted them with making their payment to obtain a receipt.

6-10-2026 NOTE: The fourth tow I witnessed was near the 'comfort station' restroom. It was especially harsh situation, as the two guys were working together and using a 2 X 4 board to lever the car to get it on tow plate: it was an intense 'extraction'. Unfortunately, I didn't have my phone-camera with me because my friend was holding my purse for me, as we were in line for the Ferry to Lanai.

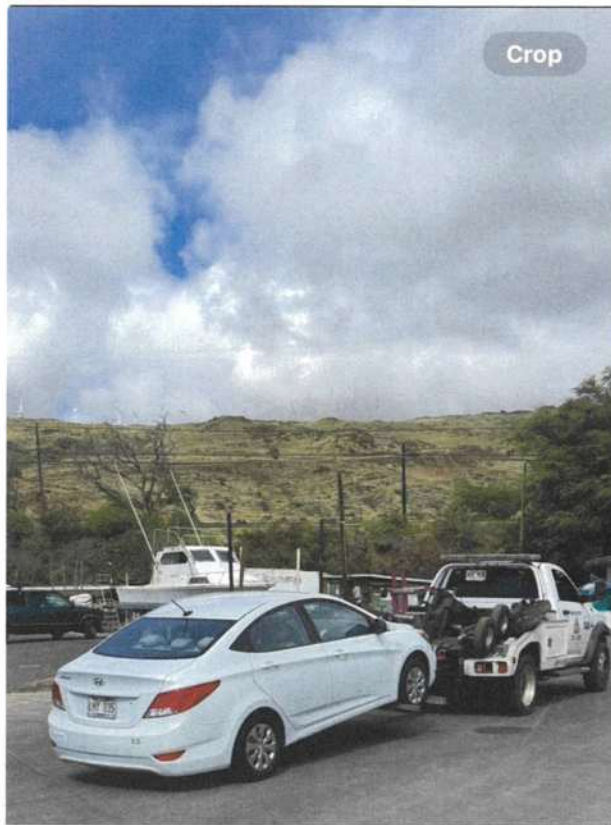
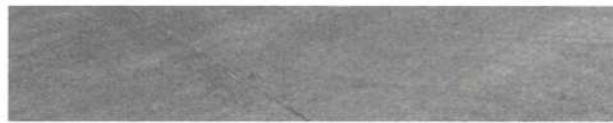


Photo 1: White Hyundai being towed from Mā'alaea Small Boat Harbor, March 8, 2025. Wind turbines on hillside confirm Mā'alaea location.

Exhibit P



Maalaea



Saturday 9:42 AM

HDR



Photo 2: White Jeep Compass being towed, Mā'alaea Small Boat Harbor. iPhone timestamp confirms Saturday 9:42 AM. A second tow was photographed at 10:43 AM — I witnessed 4 tows within one hour.



Exhibit Q

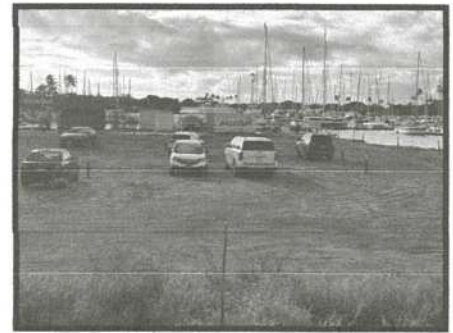
Space Save
for Video

Exhibit #R Supplement Document to Thompson K. Oct. 3, 2025 Request for CCH

Original Effective Date of RP 157, Parcel B, to Secure Parking LLC was Jan. 15, 2025

The Board of Land and Natural Resources approved all revocable permit renewals under Agenda Item J-1 at its June 14, 2026, meeting, including Revocable Permit No. 157 at the Ala Wai Small Boat Harbor.

A Contested Case Hearing remains pending regarding the parking management operations of Secure Parking, LLC and the use of the automated License Plate Recognition (LPR) enforcement vehicle. The petition for a contested case hearing was filed on October 3, 2025.



Prior to the Board meeting, on June 12, 2026, a proposal was submitted to DLNR Chair Dawn Chang Kanaka'ole and DOBOR Administrator Meghan Statts recommending that the Ala Wai Small Boat Harbor dirt lot be utilized as a pilot project for day-worker parking.

The proposal suggested offering a discounted monthly permit rate of **\$90 per month**, reduced from the current **\$150 monthly permit rate**, for use during daytime hours from **5:00 a.m. to 5:00 p.m.** The concept, described as a **“Day Rate on the Dirt Lot” Pilot Project**, was intended to provide a more affordable parking option for workers while reducing daytime occupancy and

congestion within the Surf Parking area.

DIVISION OF BOATING AND OCEAN RECREATION Continuation of Revocable Permits on the Islands of Oahu, Maui, Hawaii, and Kauai									
RP No.	Permittee Name	TMR	Permit Area S.F.	Revocable Permit From	Trust Land Status	FY 2025 Annual Rent	FY2027 Annual Rent	Character Use	Comments re rent amount and why no long term disposition
151	Hawaii Yacht Service LLC	(1) 2-3-037.012 (por.)	699	7/1/2024	5(b)	9,846.84	10,143.00	Retail operation of boat sales and yacht brokerage	<ul style="list-style-type: none"> Staff has procured a new appraisal from Brian Goto of Benevento Group and the permittee's FY2025 rent was based on that appraisal. Rental for FY2026 increases 3%. A short term disposition is appropriate in this instance until staff is able to reissue an RFP for the development of the Ala Wai Small Boat Harbor.
157	Secure Parking Hawaii LLC	(1) 2-4-010.005 & 016 (por.)	38,082	1/15/2025	5(a)	80% of Gross Receipts	80% of Gross Receipts	Vehicle parking management	<ul style="list-style-type: none"> At its meeting on January 10, 2025, item J-1, the Board approved a revocable permit to Secure Parking Hawaii LLC to extend parking management operations at Ala Wai Small Boat Harbor onto the subject area as a temporary measure while staff prepare a long-term solicitation. A short term disposition remains appropriate to maintain active management and use of the site until a new RFP for the parcels redevelopment can be issued.
159	Accessurf Hawaii Inc.	(1) 2-4-010.016 (por.)	1,200	2/14/2025	5(a)	480.00	480.00	Storage of a vehicle and container(s), for adaptive surfing and water equipment	<ul style="list-style-type: none"> Rent is the minimum allowable for a non-profit. A short term disposition is appropriate in this instance until staff is able to reissue an RFP for the development of the Ala Wai Small Boat Harbor.

The proposal was presented as a potential management strategy to better allocate parking resources, improve access for harbor users, and encourage relocation of day-worker vehicles from the Surf Parking area during peak daytime periods.

Exhibit S

Vehicle towing is a significant issue at Mā‘alaea Small Boat Harbor. Several commercial boat charter operators include parking and towing warnings on their websites, providing customers with instructions on how to pay for parking, extend parking sessions, and avoid violations. These operators also advise customers that vehicles may be towed for parking violations and that the charter company cannot assist in recovering a towed vehicle.

This is particularly important for visitors and tourists, many of whom are driving rental vehicles and may be unfamiliar with the harbor's parking system. Accurate towing records are therefore essential to informing harbor users, policymakers, and the public about the actual risk of vehicle towing at Mā‘alaea Small Boat Harbor.

Maui Police Department dispatch records indicate a total of **743 vehicle tows** reported between **2022 and 2025**, including **432 reported tows in 2024**. However, concerns have been raised regarding the completeness of the reported data. On **March 8, 2025**, I personally observed **four vehicles being towed within approximately one hour**, yet dispatch records for the entire month of March 2025 show only **two reported tows**. If towing activity is not consistently reported, DOBOR, DLNR, BLNR, Maui legislators, harbor users, and the general public may be unable to accurately assess the frequency of towing enforcement and the associated risk of having a vehicle towed at the harbor.

The Maui Police Department towing records are provided below. Received: March 24 2026. This document was made by Kate Thompson, surfparking.org June 2026.

Maui County Records Portal
 Maui County Police Records Request - P02701-02026
 To: info@surfparking.org

— Please report above the line —



Vehicles reported to Dispatch as "towed" from 11 Maalaea Boat Harbor Rd, 132 Maalaea Rd, 20 Maalaea Boat Harbor Rd, 300 Maalaea Rd, 37 Maalaea Boat Harbor Rd, 48 Maalaea Boat Harbor Rd. and Maalaea Rd.					
Month/Year	2022	2023	2024	2025	Grand Total
Jan	0	3	53	36	92
Feb	0	1	59	31	91
Mar	0	2	67	2	71
Apr	0	2	62	2	66
May	0	6	40	0	46
Jun	0	32	29	0	61
Jul	0	13	61	0	74
Aug	7	1	10	0	18
Sep	4	33	0	3	40
Oct	0	62	0	4	66
Nov	1	23	47	2	73
Dec	0	39	4	2	45
Totals	12	217	432	82	743

180K LPR lease

Exhibit T



Cute High Tech Car, but it can it issue parking tickets? Could it be used to issue citations, with BLNR permission?

There are drones now that read license plates.

That Drone in the Sky Could Be Tracking Your Car

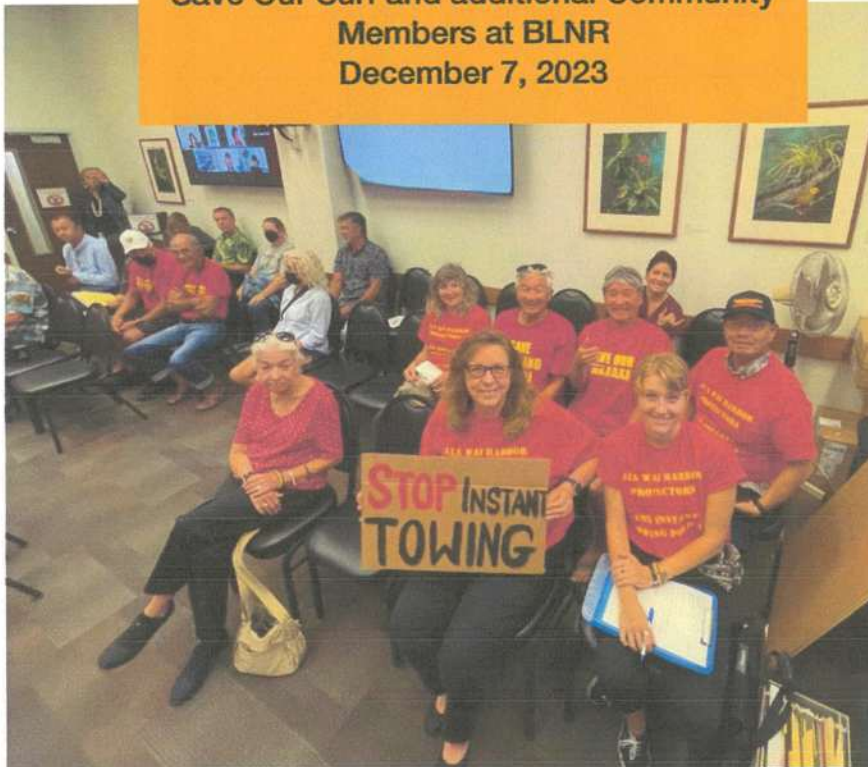
BY BERT LIPSON
SEPTEMBER 22, 2017



Police are using their drones as flying automated license plate readers (ALPRs), airborne police cameras that make it easier than ever for law enforcement to follow you.

"The Flock Safety drone, specifically, are flying LPR cameras as well," Robert Skilton, Vice President of Aviation at Flock Safety, recently told a group of potential law enforcement customers interested in drone-as-first-responder (DFR) programs.

**Surfparking.org,
Save Our Surf and additional Community
Members at BLNR
December 7, 2023**



By Ben Gutierrez (<https://www.hawaiinewsnow.com/authors/ben-gutierrez/>)
Published: Oct. 1, 2025 at 10:11 PM HST

<https://www.hawaiinewsnow.com/2025/10/02/concerns-raised-state-approves-use-camera-car-enforce-parking-ala-wai-harbor/>

Or search: Camera car, ala wai 2025-10-02

HONOLULU (HawaiiNewsNow) - Parking is often a premium in the free lot for recreational users at the Ala Wai Small Boat Harbor.



Many of those users are concerned about the state's latest plan to monitor how long people park there.

It's a vehicle with a license plate reader that goes though the lots and figures out who's been parked for longer than the six-hour limit.

"Part of this service's contract will help the concessionaire to address the misuse and abuse of the six-hour time limit by non-recreational users, such as hotel and construction workers," Meghan Statts, the administrator for the state Division of Boating and Ocean Recreation, told the Board of Land and Natural Resources during its meeting last Friday.

Secure Parking, which already has the contract for the harbor's paid parking stalls, would have the contract for the so-called "camera car" to monitor the 300 free parking stalls. Opponents question the \$180,000 annual cost for the vehicle and its operations.

"This is supposed to be a solution for it, but if they were giving tickets, it would be a solution," said Kate Thompson of the group Save Ala Wai Surf Parking.

"But they don't want to give tickets. They want to tow people," said added.



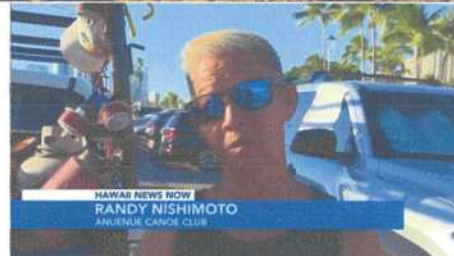
Concerns raised as state approves use of 'camera car' to enforce parking at Ala Wai harbor



Parking is often a premium in the free lot for recreational users at the Ala Wai Small Boat Harbor.

By Ben Gutierrez

Published: Oct. 1, 2025 at 10:11 PM HST



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Thompson complains that over the years, the state has been tow-happy at the Ala Wai. She said the state confirmed that more than 2,500 cars were towed last year, but the DLNR said only four got parking citations.

“They want to give the information directly to the tow companies, then the people have to Uber down to the place,” Thompson said.

“Sometimes they say their credit machine isn’t working and you have to pay cash.”

“They’re just tow and they don’t give tickets. And that’s absurd, also. No warning. And that’s not good,” said Randy Nishimoto, a paddler with the Anuenue Canoe Club.

She added, “I don’t know really how this camera car will work, but we’re all opposed to it.”

DOBOR said, the license-plate reader won’t result in instant tows. Secure Parking would be required to issue two written notices before towing the offending vehicle away, the day after the second notice is issued.

Regulars at the lot aren’t pleased.

“If you’re a sailor on a boat and you have boat issues, your car might get towed if you don’t get back in six hours. If you’re a surfer and the surf is great and you lose track of time, your car might get towed,” said Arleen Velasco with the Surfrider Foundation.

Officers with the Division of Conservation and Resource Enforcement, or DOCARE, are able to issue tickets, but they’re short-staffed.

“This idea with Secure Parking and license plate recognition software would supplement DOCARE’s law enforcement capability to enforce parking at Ala Wai,” DOCARE enforcement chief Jason Redulla told the BLNR.

No word on when the vehicle will go into operation. Thompson said she plans to file a petition for a contested case hearing to block it.

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7:11

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SUNFROST FOUNDATION

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JASON REDULLA
DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT

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