

**State of Hawai'i  
Department of Land and Natural  
Resources Office of Conservation and  
Coastal Lands Honolulu, Hawai'i**

February 14, 2025

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

**Regarding:** Appointment and selection of a Hearing Officer to conduct all hearings for Contested Case KA 25-01 against Val Sanjara regarding Conservation District Enforcement File KA 22-17 Regarding the Alleged Unauthorized Placement of a Shed, Accessory Structures, and Landscaping within the Conservation District Located on Wainiha Powerhouse Road, Tax Map Key (TMK): (4) 5-8-005:026

**Exhibits:**

1. Petition for a Contested Case
2. Written Statement from Val Sanjara

**Background**

On September 19, 2024, the Department received a written petition from Val Sanjara requesting a Contested Case (**Exhibit 1**). On September 27, 2024, before the Board of Land and Natural Resources (Board) reviewed agenda item K-1, Val Sanjara orally requested a Contested Case. The Department received another written request from Val Sanjara requesting a Contested Case on October 7, 2024 (**Exhibit 2**).

**Hearings of Violations**

The Hawai'i Administrative Rules (HAR) §13-1-31.1, provides when a violation is alleged for which an administrative remedy is provided, the alleged violator is entitled to a contested case hearing and no person or government agency other than the department and alleged violator shall be admitted as parties in such proceedings.

**Authority for designating Hearing Officers**

HAR §13-1-32 (b), provides that the Board may conduct the contested case hearing, or at its discretion, may delegate the conduct of the contested case hearing to a hearing officer, in which case the chairperson shall select such hearing officer.

**Basis for designating Hearings Officers**

Conducting a Contested Case Hearing may involve: giving notice of hearings, administering oaths, compelling attendance of witnesses and the production of

documentary evidence, examining witnesses, certifying acts, issuing subpoenas, making rules, receiving evidence, holding conferences and hearings, fixing filing deadlines, and disposing of other matters that may arise during the orderly and just conduct of a hearing. History suggests that designating a Hearing Officer to perform these actions may provide a more expeditious resolution of the case than having the full Board conduct the hearing.

**Discussion**

Staff notes that, by designating a hearings Officer to conduct the hearing, the Board does not relinquish its authority to ultimately decide on the matters being contested. At the conclusions of the contested case, the Board would act with its own discretion on the Hearings Officer’s Finding of Fact, Conclusion of Law, and Decision and Order. As the written petition was followed by an oral request and this is an enforcement matter, staff recommends that a contested case be granted to Val Sanjara.

**Staff recommendation**

Staff recommends that the Board find:

1. That Val Sanjara is entitled to a contested case hearing;
2. That no person or government agency other than the department and alleged violator shall be admitted as parties in such proceedings; and
3. That the Board authorize the appointment of a Hearing Officer

Respectfully submitted,

*Alyssa Accardo*

Alyssa Accardo, Staff Planner  
Office of Conservation and Coastal Lands <sup>MC</sup>

Approved for submittal:



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DAWN N.S. CHANG, Chairperson  
Board of Land and Natural Resources