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CHERYL KAKAZU PARK  
DIRECTOR

June 17, 2013

VIA EMAIL

Mr. William Aila, Jr., Chair  
Board of Land and Natural Resources  
Department of Land and Natural Resources

Re: Notice of Appeal of Sunshine Law Complaint (S APPEAL 13-8)

Dear Chair Aila:

The Office of Information Practices (OIP) has received an appeal from Ms. Patricia Tummons, editor of Environment Hawaii, concerning Board of Land and Natural Resources' (BLNR) June 13, 2013 informational briefing. Specifically, Ms. Tummons complained that BLNR did not accept testimony at the informational briefing in violation of Part I of chapter 92, Hawaii Revised Statutes (Sunshine Law). A copy of Ms. Tummons' appeal is enclosed for your information.

BLNR's response to this appeal is BLNR's opportunity to provide its position on Ms. Tummons' complaint or to provide any additional information that BLNR would like OIP to consider for this appeal. Within ten business days of receipt of this notice, please provide OIP with a written statement that includes the information listed in the attached summary of appeal procedures. Please remember that OIP is required to interpret the Sunshine Law to favor openness and to disfavor closed meeting provisions. Hawaii Revised Statutes (HRS) § 92-1 (2012). For this reason, when a member of the public complains to OIP that a board's action was not in compliance with the Sunshine Law, the board has the burden to justify any departure from the law's general requirement of openness to OIP.

Please be advised that any person may file a lawsuit to require compliance with or to prevent a violation of the Sunshine Law. HRS § 92-12(c) (2012).

Thank you for your attention to this matter. If you have any questions or would like to discuss this, please do not hesitate to contact the undersigned attorney.

Very truly yours,

Carlotta Amerino  
Staff Attorney

CA:dms  
cc: Patricia Tummons (via email)