

BEFORE THE NEIGHBORHOOD COMMISSION

CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

In the Matter of

Natalie Faye Kamehaikana Santiago

Complainant,

v.

Sharlotte Poe

Respondent.

COMPLAINT NO. 2018-07

FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND DECISION AND ORDER

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A complaint hearing was held at a Special Meeting of the Neighborhood Commission on December 17, 2018, at Kapalama Hale, First Floor Conference Room, 925 Dillingham Boulevard, Honolulu, Hawaii 96817. NATALIE FAYE KAMEHAIKANA SANTIAGO (“Complainant”) did not appear at the hearing. Respondent SHARLOTTE POE (“Respondent”) did not appear at the hearing.

The Commission, having reviewed the Complaint, Response, exhibits and other documentary evidence presented by the parties; having considered the entire record and files herein, makes the following Findings of Fact, Conclusions of Law, Decision and Order.

FINDINGS OF FACT

1. The Complaint was filed on or about August 10, 2018, pursuant to the provisions of Section 2-18-101(a)(3) of the 2008 Neighborhood Plan, as amended (“Plan”).
2. Complainant alleges a violation of the Plan under Section 2-14-111 that occurred on July 3, 2018.

3. At all times relevant herein, Respondent was a member of the Waianae Coast Neighborhood Board No. 24.

4. On August 27, 2018, Respondent was notified of the Complaint and was provided the opportunity to respond to the allegations of the Complaint. The Commission received a response from Respondent on October 10, 2018.

5. On October 30, 2018, in accordance with Hawaii Revised Statutes (“HRS”) Sections 91-9 and 91-9.5, notice of the hearing was provided to the Respondent via certified mail, return receipt requested.

6. With respect to Section 2-14-111, Meeting Notice and Agenda, the Plan requires that:

(a) A board shall give written public notice of any and all regular, special, committee, or anticipated executive meetings. The notice shall state the day, date, time, and place of the meeting, and include an agenda which lists all of the items to be considered. In the case of an anticipated executive meeting, the purpose shall be stated on the agenda.

(b) The meeting notice and agenda shall be prepared by the chair or presiding officer and shall be filed in the Neighborhood Commission Office at least seven calendar days before the meeting. The notice and agenda shall also be posted at the site of the meeting whenever feasible.

(c) If the chair receives a written request from any member of the chair’s board to include an item on the agenda, the chair shall:

(1) Include the item on the agenda for the next regular meeting; or

(2) Include the request for inclusion of the item on the agenda for the next regular meeting for the board to decide whether to include the item on the agenda for the following regular meeting; provided that if the request is not received at least ten days before the next regular meeting, the item or the request shall be included on the agenda for the following meeting. Once filed with the city clerk, no item shall be added to the agenda for that duly noticed meeting except by a recorded two-thirds vote of all members to which the board is entitled, and provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the board will affect a significant number of persons.

(d) The Executive Secretary shall maintain a list of names and addresses of persons who request notification of meetings and shall mail a copy of the notice to such persons at their last known address no later than six days prior to the meeting date.

7. The Commission finds that Complainant was not present at the hearing and did not want to pursue the adjudication of the Complaint.

8. There was a motion that was seconded to dismiss the Complaint. The Commission, with eight commissioners present, having considering all the evidence, finds that the Complainant has not met her burden of proof of proving that the Respondent violated the Plan by a Preponderance of the Evidence. The Commission, by unanimous vote, adopted the motion to dismiss the Complaint.

#### CONCLUSIONS OF LAW

1. The Recommendation was filed in accordance with Section 2-18-101(a)(4) of the Plan.

2. The parties were properly noticed pursuant to HRS Sections 91-9 and 91-9.5.

3. This hearing was properly conducted in accordance with HRS Chapter 91 and Section 2-18-103 of the Plan.

4. This matter is properly before the Commission pursuant to Section 2-18-103 of the Plan, and the Commission has the authority to review a Neighborhood Board and/or a Neighborhood Board Member's action(s) and issue sanctions in accordance with Sections 2-18-103 and 2-18-104 of the Plan.

5. Pursuant to HRS Section 91-10(5), the Complainant has the burden of proof, including the burden of producing evidence, as well as the burden of persuasion by a preponderance of the evidence.

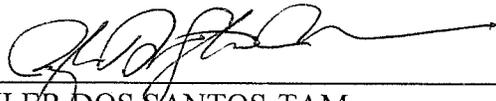
#### DECISION AND ORDER

Based on the foregoing, the Commission hereby finds that on July 3 2018, Respondent Charlotte Poe did not violate Section 2-14-111 of the 2008 Neighborhood Plan, as amended, as alleged in Complaint 2018-07.

Therefore, it is hereby ordered in accordance with Sections 2-18-101 and 2-18-103 of the 2008 Neighborhood Plan, as amended, that the Complaint is hereby dismissed as to Respondent Charlotte Poe, Member of the Waianae Coast Neighborhood Board No. 24.

DATED: Honolulu, Hawaii, 5/20/2019.

NEIGHBORHOOD COMMISSION

By   
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TYLER DOS SANTOS-TAM  
Its Chair