

BOARD OF APPEALS
COUNTY OF HAWAI'I

MINUTES
January 9, 2026

The County of Hawai'i Board of Appeals met in regular session at 9:30 a.m. in the Hawai'i County Council Chambers, 25 Aupuni Street, Hilo, Hawai'i 96720 and via the Zoom online platform. The meeting was called to order with Chair Cathy Lewis presiding. A quorum was established with four members in attendance.

The full YouTube video of this hearing can be found here:
<https://www.youtube.com/watch?v=4fKMjArxXpI>

MEMBERS PRESENT IN PERSON: Cathy Lewis (Chair), John Kimura, and Maci Wilson.

MEMBERS PRESENT ON ZOOM: Rachel Able (Vice Chair).

MEMBERS EXCUSED: Scott Martin.

ALSO IN ATTENDANCE: Sylvia Wan, Esq. (Deputy Corporation Counsel for the Board), Bethany Morrison (Staff to the Board), and Ashley DeVera (Board Secretary).

There were no members of the public in attendance.

Chair Lewis reviewed online meeting protocols and procedures.

Introductions of board members and staff were made.

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

At 9:30 a.m., Chair Lewis called for statements from the public. There were no members of the public in attendance to provide testimony.

[SEE YOUTUBE TIMESTAMP 0:58]

Testimony closed at 9:30 a.m.

NEW BUSINESS

1. DWIGHT VICENTE (PL-INT-2025-011330)

DEFECTIVE PETITION

Appeal of Decision by the Planning Director, Date Unknown.

Location: Ainaola Drive, Hilo, HI 96720

TMK: (3) 2-4-050:037

PARTIES PRESENT: Dwight Vicente (appellant).

This item was called to order at 9:33 a.m. There were no members of the public in attendance, and no public testimony was provided.

[*SEE YOUTUBE TIMESTAMP 4:41*] Chair Lewis asked Mr. Vicente if he wanted to make a statement.

[*SEE YOUTUBE TIMESTAMP 5:08*] Mr. Vicente stated that he is appearing on behalf of the Hawaiian Kingdom under the 1840 Constitution and the 1848 Māhele, which he described as a Kānaka Land Trust still in effect. He stated that the lands at issue were Crown Lands that had been leased under King Kalākaua to Waiākea Sugar Company from 1890 to 1920, and that the company lacked authority to later sell the lands as homesteads. He argued that the leases were governed by common law and that Crown, Government, and Kuleana lands remain legally effective.

Mr. Vicente further asserted that U.S. involvement in Hawai‘i resulted from a broader colonization program originating in the early 19th century and raised constitutional challenges related to the Northwest Ordinance, the U.S. Constitution, and the legitimacy of state and federal courts. He referenced historical protests by a Queen on January 17, 1893, and contended that unresolved jurisdictional and constitutional issues remain, asserting that Hawaiian Kingdom jurisdiction should prevail.

[*SEE YOUTUBE TIMESTAMP 10:21*] Chair Lewis asked Mr. Vicente why he brought the matter before the Board of Appeals. Mr. Vicente responded that the Planning Commission was acting under the State Land Use Commission and that state jurisdiction was limited. Chair Lewis asked whether Mr. Vicente had applied for and been denied a permit or similar approval. Mr. Vicente replied that notice had been received indicating that a corporation he characterized as illegal was attempting to develop Crown Lands in its name.

[*SEE YOUTUBE TIMESTAMP 13:55*] Vice Chair Able moved to find the petition defective. Board Member Kimura seconded the motion. During a brief discussion, Vice Chair Able stated that the matter was outside the County’s jurisdiction and that the Board functioned within County zoning and planning laws, adding that the petition fell outside those parameters. Board Member Kimura agreed. Chair Lewis added that there was no final agency action upon which the Board could base a decision, noting that such action was necessary for the Board to render a decision. A roll-call vote was taken and the motion passed with four ayes (Able, Kimura, Wilson, Lewis).

[*SEE YOUTUBE TIMESTAMP 17:53*] Ms. Wan noted she would prepare the form of the order to be placed on the next agenda.

This item concluded at 9:48 a.m.

2. WILLIAM FRAZIER (PL-BOA-2025-000123)

Appeal of Decision by the Director of Public Works Dated July 23, 2025, Regarding Notice of Unpermitted Driveway in the County Right-of-Way.

Location: Wright Road, Volcano, HI 96785

TMK: (3) 1-9-003:018

This item was called to order at 9:48 a.m. There were no parties present, no members of the public in attendance, and no public testimony was provided.

[*SEE YOUTUBE TIMESTAMP 18:32*] Chair Lewis noted that the matter had been continued to the March 13, 2026 hearing.

3. CLAUDIA ROHR (PL-BOA-2025-000119)

Appeal of Decision by the Planning Director Dated April 11, 2025, Regarding Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2025-000280) Exemption.

Location: 14 Oeoe Street, Hilo, HI 96720

TMK: (3) 2-1-018:013

This item was called to order at 9:49 a.m. There were no parties present, no members of the public in attendance, and no public testimony was provided.

[*SEE YOUTUBE TIMESTAMP 18:50*] Chair Lewis noted that the matter had been continued to the March 13, 2026 hearing.

4. CLAUDIA ROHR (PL-BOA-2025-000121)

Appeal of Decision by the Director of Public Works Dated April 1, 2025, Regarding Issuance of Building Permit No. PW.B2024-005123.

Location: 14 Oeoe Street, Hilo, HI 96720

TMK: (3) 2-1-018:013

This item was called to order at 9:49 a.m. There were no parties present, no members of the public in attendance, and no public testimony was provided.

[*SEE YOUTUBE TIMESTAMP 18:50*] Chair Lewis noted that the matter had been continued to the March 13, 2026 hearing.

MINUTES

[*SEE YOUTUBE TIMESTAMP 19:13*] Chair Lewis asked whether the Board had reviewed the October 10, 2025, minutes, and all Board Members affirmed. A motion was made by Vice Chair Able to approve the October 10, 2025, minutes as circulated. The motion was seconded by Board Member Kimura. No discussion occurred. An all-in favor voice vote carried the motion unanimously.

ADMINISTRATIVE MATTERS

Election of Officers for 2026.

[*SEE YOUTUBE TIMESTAMP 20:33*] Chair Lewis requested nominations for Chair and Vice Chair. Cathy Lewis moved to elect Rachel Able for Vice Chair. Board Member Kimura seconded the motion, and Ms. Able accepted Vice Chair for 2026. A brief discussion occurred. A roll-call vote was taken and the motion passed with four ayes (Lewis, Kimura, Able, Wilson).

[*SEE YOUTUBE TIMESTAMP 24:01*] Board Member Kimura moved to elect Cathy Lewis for Chair. Vice Chair Able seconded the motion, and Ms. Lewis accepted Chair for 2026. A brief discussion occurred. A roll-call vote was taken and the motion passed with four ayes (Kimura, Able, Wilson, Lewis).

Status of appeals filed on Board of Appeals decisions – Corporation Counsel

[*SEE YOUTUBE TIMESTAMP 26:07*] Ms. Wan reported that there were currently four appeals pending in either circuit or federal court. She stated that the appeal filed by Ms. Rohr (PL-BOA-2022-000057) remained pending before the federal court, with a decision still awaited. The appeal filed by Mr. Belisario (PL-BOA-2024-000101) had been decided by the circuit court and was being appealed to the Intermediate Court of Appeals.

Ms. Wan further reported that the remaining two appeals, filed by 1250 Oceanside, LLC (PL-BOA-2024-000104 and PL-BOA-2024-000105), had been heard by the circuit court, and the Judge in both cases remanded the matters to the Board for additional information to be included in the Board's findings of fact and conclusions of law. She stated that she was working with the Chair and litigation counsel to prepare an acceptable order for the Board's consideration and that the matters might be placed on the February agenda.

Status of outstanding petitions – Staff

No updates were provided.

ADJOURNMENT

The hearing was adjourned at 10:01 a.m.

Respectfully Submitted,

Ashley DeVera, Board Secretary

A T T E S T :

Cathy Lewis, Chair
Board of Appeals