

**HOUSE OF REPRESENTATIVES  
STATE OF HAWAII  
THE THIRTY-FIRST LEGISLATURE**

In the matter of the House Investigative ) [ ] SUBPOENA  
Committee to Investigate Compliance with ) [ X ] SUBPOENA DUCES TECUM  
Audit Nos. 19-12 and 21-01 ) [ X ] EXHIBIT "A"  
\_\_\_\_\_ )

**FROM THE STATE OF HAWAII TO:**

The Sergeants-at-Arms of the House of Representatives of the Thirty-First Legislature of the State of Hawaii; the sheriff or the sheriff's deputies; the chief of police of any county or the chief's deputies; any police officer of the State or any county; and any officer authorized by law to serve subpoenas in the State of Hawaii,

**YOU ARE COMMANDED** to subpoena the individual named below:

Suzanne D. Case, Chairperson of the Board of Land and Natural Resources,  
or Other Appropriate Individual in custody of the books, records, documents, or other  
evidence requested below  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

**THE ABOVE-NAMED INDIVIDUAL IS COMMANDED**, at the place, date, and time indicated below, **TO:**

- [ ] Appear and testify before the above-named Investigative Committee.
- [ X ] Produce the documents or things described below.

PLACE: Via e-mail to Chair Della Au Belatti, House Investigative Committee to  
Investigate Compliance with Audit Nos. 19-12 and 21-01  
repbelatti@capitol.hawaii.gov

DATE: Monday, August 30, 2021

TIME: 4:30 P.M.

DESCRIPTION OF DOCUMENTS TO BE PRODUCED (Attach EXHIBIT A if necessary):

See Exhibit A.

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT PURSUANT TO THE HAWAII STATE CONSTITUTION; SECTION 21-14, HAWAII REVISED STATUTES; AND THE RULES OF HOUSE INVESTIGATIVE COMMITTEE TO INVESTIGATE COMPLIANCE WITH AUDIT NOS. 19-12 AND 21-01.**

*Della Au Belatti*

Rep. Della Au Belatti  
Chair, House Investigative Committee to Investigate  
Compliance with Audit Nos. 19-12 and 21-01

Date: August 13, 2021

This subpoena is issued in the above-captioned matter under the authority of the Hawaii State Constitution; Section 21-8 of the Hawaii Revised Statutes; House Resolution No. 164 of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021; Rule 55.1 of the Rules of the House of Representatives of the Thirty-First Legislature of the State of Hawaii; and Rule 2.2 of the Rules of the House Investigative Committee to Investigate Compliance with Audit Nos. 19-12 and 21-01.

**NOTICE TO WITNESS**

You have been subpoenaed to produce certain books, records, documents, or other evidence to the House Investigative Committee to Investigate Compliance with Audit No. 19-12 or No. 21-01. The Investigative Committee was established by House Resolution No. 164, Thirty-First Legislature of the State of Hawaii, Regular Session of 2021. The Investigative Committee is authorized to follow up on the Audit of the Department of Land and Natural Resources' Special Land and Development Fund, Report No. 19-12, and Audit of the Agribusiness Development Corporation, Report No. 21-01, and to examine the recommendations made in those audits, for purposes of improving the operations and management of state agencies, their funds, and any other matters.

Together with this subpoena, you are being served with a copy of House Resolution No. 164 and a copy of the Rules of the House Investigative Committee to Investigate Compliance with Audit Nos. 19-12 and 21-01.

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

*Theresa L. White*

Chief Clerk, House of Representatives,  
Legislature, State of Hawaii

Date: 8/13/21

## EXHIBIT A

### DOCUMENTS TO BE PRODUCED

1. Training materials related to the Land Board's oversight of the Land Division and the Special Land and Development Fund provided to Land Board members from 2011 to present;
2. A Land Division summary of how staff and management are structured, and any information to help the Committee understand how much staff time is spent on each of the various components of Land Division responsibilities;
3. A Land Division workload analysis and conclusions that justify whether more positions are needed in order to fulfill the Division's duty to conduct regular inspections of leases and revocable permits;
4. A summary of lease extension applications which have been received by the Land Division from 2011 to present. For each extension: (a) which statutory authority was used; (b) date of application, current application status and date of approval (if approved); (c) basic lease information (type of lease, name of lessee, annual rent, acreage); (d) additional conditions met for the extension being granted, i.e. the amount of funds committed to property improvements, the valuation of the property determined by the appraisal, and the verified improvement expenses documented by Land Division; and (e) any additional Division notes on the extension process (i.e. if the DLNR's decision about the extension request was appealed by the tenant and went to arbitration, and the results of the arbitration);
5. All changes made to policies and procedures of the Department of Land and Natural Resources ("DLNR") or its divisions made in response to the Audit 19-12's findings and recommendations, including but not limited to:
  - a. "Complete and coherent policies and procedures" for Land Division processes, including specifically developing processes to determine what improvements to consider towards the "substantial improvements" required for lessees to qualify for lease extensions, and how to validate those improvements under Act 149 (SLH 2018); Act 236 (SLH 2021); or any other applicable laws;
  - b. Policies for regular field inspections to ensure lease term compliance;
  - c. Policies for performing close-out inspections for leases and revocable permits;
  - d. Procedures for the collection of percentage rent due from lessees; and
  - e. Any accounting system to track and collect delinquent rent more than 60 days old;
6. Report on any consideration, changes, and decisions regarding Audit 19-12's recommendation of reconsidering caps on annual rent adjustments for all rent below fair-market rates;
7. Timelines, funding, scope, and status of all current or intended contracts from Land Division with consultants to evaluate DLNR's land inventory and re-evaluate certain revocable permits, and/or to develop Strategic and Asset Management Plans;

8. Any documents, reports, recommendations, memoranda, and/or contracts or proposed contracts developed by DLNR or received by DLNR related to the marketing and management of DLNR properties that consider the utilization of private-sector brokers and property managers, including any discussions with the State Procurement Office, and/or other state agencies such as the Hawaii Public Housing Authority regarding their practice of contracting similar services;
9. Any policies, memoranda, letters, directives, guidance and/or other documents from the Department of Budget and Finance on how revenues from ceded lands are to be remitted to the Office of Hawaiian Affairs, spent by DLNR, and/or transferred to other special funds and/or the State general fund; and
10. Any other documents or information regarding the audit process, audit recommendations, audit responses, information systems, or Land Board submittals that are relevant to the purpose of the Investigative Committee and any other documents DLNR would like to produce.

**RETURN OF SERVICE**

I, Rod Tanonaka, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAII THAT THE FOLLOWING IS TRUE AND CORRECT:

I served the House Investigative Committee to Investigate Compliance with Audit Nos. 19-12 and 21-01's Subpoena, along with a copy of House Resolution No. 164 and a copy of the Rules of the House Investigative Committee to Investigate Compliance with Audit Nos. 19-12 and 21-01 to:

\_\_\_\_\_ Suzanne D. Case, Chairperson, Board of Land and Natural Resources  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, HI 96813

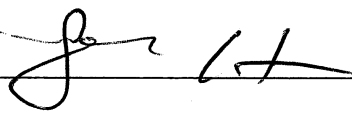
X On another individual (explain): AG CLARE CONNORS

by delivering the copies personally on August 13, 2021 at 3:55 P. M.

Signature of Process Server: 

Print Name, Address, and Telephone Number of Process Server:  
Rod Tanonaka  
415 S. Beretania St # 017  
Honolulu, HI 96813  
808-586-6500

**ACKNOWLEDGMENT OF SERVICE**

Signature of Person Served: 

Print Name: Justine T. M. Hura 8861