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OFFICE OF THE LIEUTENANT GOVERNOR
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September 18, 2019

VIA E-MAIL

Mr. Bill Murtagh

Re: Appeal from Denial of Access to Records (U APPEAL 20-7)

Dear Mr. Murtagh:

The Office of Information Practices (OIP) opened the above referenced file based on your request to appeal the Department of Land and Natural Resources' (DLNR) denial of your written record request, dated August 2, 2019, under Parts II and III of the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes (HRS) (the UIPA). Specifically, you requested access to "the findings or conclusions of the investigation, related to matters involving myself and DOBOR activity/staff, which were included and part of the investigation."

DLNR initially denied your Record Request, as stated in a Notice to Requester, dated August 5, 2019. In an email, dated September 13, 2019, a copy of which was sent to OIP, DLNR Chair Suzanne Case disclosed to you the records responsive to your record request. In light of the fact that you have received access to the records you requested, OIP intends to dismiss this appeal. Before we do so, please inform OIP within twenty days from the date of this letter as to whether any other outstanding issues require OIP's assistance regarding this matter. If we do not hear from you within twenty days, OIP will dismiss this appeal in accordance with section 2-73-18(6), Hawaii Administrative Rules.

You are entitled to file a lawsuit for access within two years of a denial of access to government records, and need not wait for a determination from OIP to do so. Hawaii Revised Statutes (HRS) §§ 92F-15, 92F-42(1) (2012). An action for access to records is heard on an expedited basis and, if you are the prevailing party, you are entitled to recover reasonable attorney's fees and costs. HRS §§ 92F-15(d), (f). A record requester may also appeal a denial of access to OIP in accordance with chapter 2-73, HAR. HRS § 92F-15.5 (2012).

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This letter also serves as notice that OIP is not representing anyone in this appeal. OIP's role herein is as a neutral third party.

Yours truly,



Lorna Aratani
Staff Attorney

c: William J. Wynhoff, Deputy Attorney General
Land Transportation Division, Dept. of the Attorney General