



Robin K. Matsunaga
Ombudsman

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First Assistant

**OFFICE OF THE OMBUDSMAN
STATE OF HAWAII**

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In reply, please refer to:

#22-03874(MI)

April 4, 2022

Mr. Bill Watts
P.O. Box 1097
Kihei, HI 96753

Dear Mr. Watts:

Re: Your Request for Reconsideration

This is in response to your email sent on March 29, 2022, at 3:15 a.m., in which you appeal my office's decision to decline to investigate your complaint that the Department of Land and Natural Resources (DLNR) illegally closed Little Beach at Makena State Park at 4:00 p.m. on Saturdays. You attached to your email a letter dated March 27, 2022, in which you describe the parties involved, the history leading to the DLNR's decision to close the beach at 4:00 p.m. on Saturdays, the reasons supporting your complaint, and the corrective actions you are seeking.

Please be informed that I have reviewed your email and attached letter and continue to believe that the administrative act that you are complaining about is the DLNR's decision to close Little Beach at 4:00 p.m. on Saturdays. As we informed you in our letter dated March 21, 2022, we previously investigated the DLNR's decision to close Little Beach at 4:00 p.m. on Saturdays and Sundays and did not find that the DLNR acted unlawfully or unreasonably. We further informed you that we are not aware of any significant changes that have occurred since we conducted the investigation that would warrant a second investigation by our office of the same decision by the DLNR.

I have reviewed the information in your March 29 email and attached letter and continue to find that there is no new information that would warrant another investigation of the DLNR's decision to close Little Beach at 4:00 p.m. on Saturdays. Therefore, your appeal of my office's decision to decline to investigate your complaint is denied.

In your March 29 email, you offered to reach out to the membership of Friends of Little Beach for support of this complaint. Please be informed that my decision to not re-investigate the DLNR's decision, as well as our determination that the DLNR did not act unlawfully or unreasonably, will not be affected by the number of persons who complain to our office.

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Finally, the Office of the Ombudsman is authorized under Chapter 96 of the Hawaii Revised Statutes to investigate the administrative acts of state executive branch and county government agencies of the State of Hawaii. The law does not provide my office authority to issue legal opinions or to provide legal services or advice to the public. Therefore, if you disagree with the determination my office made, you may want to consider pursuing your complaint and the remedy you are seeking through any other avenue that you feel is available to you.

Please be informed that I will not be responding to further correspondence on this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Robin K. Matsunaga', written over a horizontal line.

ROBIN K. MATSUNAGA
Ombudsman