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BY Email: hwburgess@hawaii.rr.com; and U.S. Mail

H. William Burgess, Esq.
2299-C Round Top Drive
Honolulu, Hawaii 96822

Dear Mr. Burgess:

Re: Act 15, Session Laws of Hawaii 2012, Relating to the Public Trust Lands

Thank you for sending me a copy of your June 28, 2012 letter to First Deputy Attorney General Russell Suzuki this morning.

I must respectfully disagree with your analysis and application of the United States Supreme Court's decision in Hawaii v. Office of Hawaiian Affairs, 129 S.Ct. 1436 (2009), to the Hawaii Supreme Court's decision in Trustees of the Office of Hawaiian Affairs. State of Hawaii, 96 Haw. 388, 31 P.3d 901 (2001). I also cannot agree to your proposal that Act 15, Session Laws of Hawaii 2012, not be implemented in any way until the Hawaii Supreme Court has had an opportunity to review Act 15 or act upon a petition for writ of mandamus that you are considering filing. Accordingly, we will continue preparing the deeds and other instruments necessary to document the conveyances to OHA that Act 15 makes.

Very truly yours,

David M. Louie
Attorney General

c: The Honorable Neil Abercrombie
The Honorable Colette Y. Machado
Robert G. Klein, Esq.
William Meheula, Esq.