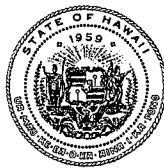


GM109

Late (2)

LINDA LINGLE
GOVERNOR



DARWIN L.D. CHING
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dlr.director@hawaii.gov

January 22, 2010

To: The Honorable Brian T. Taniguchi, Chair
and Members of the Senate Committee on Judiciary and Government Operations

Date: January 28, 2010

Time: 10:00 a.m.

Place: Conference Room 016, State Capitol

From: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

**GM 109 – EDWARD H. KUBO, JR.
Circuit Court of the First Circuit**

I strongly support the nomination of Mr. EDWARD H. KUBO, JR. to serve as a judge of the Circuit Court of the First Circuit.

I have personally known Mr. Kubo for many years and throughout that period of time, he has always displayed a true sense of professionalism and integrity. He possesses great character, a selfless attitude of service and an outstanding sense of fairness and respect in all areas.

As demonstrated in his past positions as an Assistant U.S. Attorney, Deputy Prosecuting Attorney with the Honolulu Prosecutor's Office, private attorney and service with numerous community organizations, Mr. Kubo is a strong leader and an exceptional public servant. He possesses an extraordinary judicial character and consistently shows sound judgment and equality

I believe that he will continue to be a great asset, and therefore I respectfully request the committee's favorable confirmation of Mr. Kubo.



January 23, 2010

The Honorable Brian Taniguchi, Chair
Senate Committee on Judiciary and Government Operations
State Capitol, Room 219
Honolulu, Hawaii 96813

RE: GM109 Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawaii, Gubernatorial Nominee, EDWARD H. KUBO, JR, for a term to expire in ten years.

Aloha Chair Taniguchi, Vice-Chair Takamine, and Members of the Committee,

I am writing this letter in Support of the Nomination of Ed Kubo

I have had many interactions with **Ed H. Kubo Jr**, from public meetings and events , to Eagle Scout ceremonies and other youth activities for the last several years. I was extremely excited to hear that the judicial selection committee added his name to list of candidates for the position of **Circuit Judge, First Circuit Court (O'ahu)**. Ed will make a wonderful judge!

Ed has served our community proudly as the U.S. Prosecutor. He is one of the finest public servants I have met.

I could not think of a better person for this position. I hope you agree and select Ed for this position.

I am writing the letter of support for Ed H Kubo Jr. as an individual and do not speak for any of my industry organizations or that of any of the non-profits or community groups that I hold positions of leadership.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Randy L. Prothero".

Randy L. Prothero, REALTOR®
ABR, AHWD, CRS, e-PRO GRI
(808) 384-5645 cell
Homes@HawaiiRandy.com
www.HawaiiRandy.com

FAXTRANSMITTAL: Seven, (7), pages total.

2010
22 January 2009

TO: Brian T. Taniguchi, Phone: 808-586-6460, FAX: 808-586-6461
Hawaii State Senator
Chair, Judiciary and Government Operations Committee
ATTN: Terrence

FROM: Dan A. Cole, Phone: 808-966-9229
P.O. Box 630
Keaau, Hawaii 96749

RE: Missing Testimony for GM109, in opposition to appointment

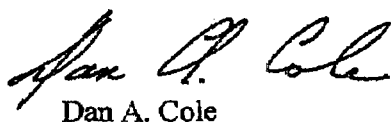
Dear Senator Taniguchi:

The attached six, (6), pages of documentation, in addition to the twenty, (20), pages of documentation referenced in January 20, 2010 email received from your office, were missing from my testimony as posted on the capitol.hawaii.gov web site. As per my telephone conversation with your staff member Terrence I am sending the six, (6), missing pages for inclusion in an amended posting on the web page and request you obtain the missing 2 June 2009 document from your files and include it in the amended postings.

As stated in my 20 January I have listed the recipients of the aforementioned 2 June 2009 document, if you, or all the other State Senators are unable to find a copy of the original document in your files, I will continue my efforts to locate my office file copy amid the nine banker boxes of evidence and documentation relating to organized corruption within the County, State, and Federal government offices in Hawaii.

Thank you for your attention in this matter.

Sincerely,



Handwritten signature of Dan A. Cole in cursive script.

Dan A. Cole

FAX TRANSMITTAL: Twenty-Five, (25), pages total.

20 January 2010

TO: Brian T. Taniguchi, Phone 808-586-6460, FAX: 808-586-6461

Hawaii State Senator

Chair Judiciary and Government Operations Committee

FROM: Dan A. Cole, Phone: 808-966-9229

P.O. Box 630

Keaau, Hawaii 96749

RE: TESTIMONY IN OPPOSITION to the appointment of gubernatorial Nominee EDWARD H. KUBO, JR, to the Circuit Court of the First Circuit, RE: GM109.; Title 18 United States Code, 18 U.S.C. §4 Misprision of Felony.

Dear Senator Taniguchi:

As per your request, relayed through your staff member Wayne, on 19 Jan, 2010 for copies of the thirty-nine, (39), page 14 January 2010 fax transmittal to your office and a complete copy of the twenty, (20), page 2 June 2009 fax transmittal to State Senate President Colleen Hanabusa, also received by your office on 4 June 2009, and requested to be entered into testimony in opposition as per my 19 January 2010 fax to your office and confirmed as received through recorded telephone conversation with your staff member Wayne. Please be advised I will re-fax the thirty-nine page 14 January document, however due to time constraints for filing testimony prior to 4:00PM today I may not be able to locate the original document within the nine, (9), Bankers Boxes of records, however please be advised the aforesaid document, the attached three, (3), page 2 June 2009 document with attachment was provided to every State Senator, and other State and Federal elected officials at the FAX numbers below, and confirmed received electronically, including your office as confirmed by you staff member Terrence, therefore a copy of aforesaid document should be readily available for inclusion into the record of the Senate proceedings RE: GM109, 21 January 2010.

NOTE: As of this date I have received no response from any of the below addressees, therefore in light of their Oath of Office, and in light of the legal doctrine of assenting-silence, the statements and allegations as stated in the 2 June 2009 fax transmittal are to be taken as TRUE despite silence, as the accusations were made under circumstances in which silence can fairly said to be an agreement.

Due to the organized silence on the part of the below mentioned elected sworn public officials it must be construed that I am a victim of a conspiracy of corrupt government officials in violation of Hawaii Revised Statutes, HRS §707-764 Extortion (1)(f),(k),(2). A person commits extortion if the person does any of the following:

(1) Obtain, or exerts control over, the property, or services of another with the intent to deprive another of property, or services by threatening by word or conduct to:

(c) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule, or to impair the threatened person's credit or business.

(k) Do any other act that would not in itself substantially benefit the defendant but which is calculated to harm substantially some person with respect to the threatened person's health, safety, business, calling, career, financial condition, reputation, or personal relationships;

(2) Intentionally compels or induces another person to engage in conduct from which another has a legal right to abstain or to abstain from conduct in which another has a legal right to engage by threatening by work or conduct to do any actions set forth in paragraph (1)(a) through (k);

The twenty, (20) page, 2 June 2009, FAX TRANSMITTAL, RE: State Attorney General Mark J. Bennett's, *et al.*, Knowing and Knowingly acts and actions of EXTORTION, and apparent membership in an Enterprise engaged in a pattern of RACKETEERING activities, that EXTORT, and/or BLACKMAIL County, State, and Federal elected officials and public servants, to include Officials and Employees of the U.S. Attorney's Office, the FBI in Hawaii, Judges and Officers of the U.S. District Court, District of Hawaii, and Judges and Officers of State Court of the Third Circuit, was faxed on 2, 3 and 4 June 2009, to the following elected officials:

2 JUNE: State Senate President Colleen Hanabusa, 808-586-7797

3 JUNE State Attorney General, Mark Bennett, 808-586-1239
U.S. Senator Daniel Inouye, 202-224-6747

3JUNE Hawaii State Governor Linda Lingle, 808-586-0006
Hawaii speaker of the House, 808-586-6106
Hawaii State Senator Kokubun, 808-586-6689
U.S. Representative Hirono, 202-225-4987
U.S. Senator Akaka, 202-224 2126
U.S. Representative Abercrombie, 202-225-4580, (busy 2 times and communications problems, may not have been received)
Hawaii state Senator Hee, 808-586-7334
Hawaii State Senator Baker, 808-586-6071
Hawaii State Senator Bunda, 808-586-6091
Hawaii State Senator Oakland, 808-586-6131
Hawaii State Senator English, 808-587-7230
Hawaii State Senator Espero, 808-586-6361
Hawaii State Senator Fukinaga, 808-586-6899

Hawaii State Senator Hemmings, 808-587-7240
 Hawaii State Senator Hogue, 808-587-7220
 Hawaii State Senator Hooser, 808-586-6031
 Hawaii State Senator IGE, 808-586-6251
 Hawaii State Senator Ihara, 808-586-6251
 Hawaii State Senator Inouye, 808-586-7339
 Hawaii State Senator Kanno, 808-586-6679
 Hawaii State Senator Kim, 808-587-7205
 Hawaii State Representative Hanohano, 808-586-6531
 Hawaii State Representative Herkes, 808-586-8404
 Hawaii State Representative Chang, 808-586-6121
 Hawaii State Representative Tsuji, 808-586-8484
 Hawaii State Representative Evens, 808-586-8514
 Hawaii State Representative Coffman, 808-586-9608

4JUNE

Hawaii State senator Menor, 808-586-6829
 Hawaii State Senator Nishihira, 808-586-6879
 Hawaii State Senator Sakamoto, 808-586-8588
 Hawaii State Senator Slom, 808-586-8426
 Hawaii State Senator Taniguchi, 808-586-6461
 Hawaii State Senator Trimble, 808-586-7109
 Hawaii State Senator Tsutsui, 808-586-7348
 Hawaii State Senator Whalen, 808-586-9391

In light of the attached 1 May 2007 CRIMINAL COMPLAINT, sent to U.S. Attorney Edward H Kubo, and Hawaii County Police Chief Lawrence Mahuna, via certified U.S. Mail, and the attached May 31 2007 reply from U.S. Attorney Edward Kubo, and the attached May 4, 2007 MEMO from the Hawaii County Police department to Lincoln S.T. Ashida, resulting in the attached June 7, 2007 letter from Hawaii County Police Chief Lawrence K. Mahuna, and the language contained therein, speaks for itself and in light of their Official Positions and Duties must be understood to be a direct confession of criminal violations of 18 U.S.C. §241. Conspiracy against rights and 18 U.S.C. §242. Deprivation of rights under the color of law, those rights being the Federal and State Constitutional rights and freedoms of a person to petition the Government for a redress of grievances.

In light of the documented evidence relating to the performance of Edward H. Kubo in his sworn duties as the former U.S. Attorney for the District of Hawaii, and view with respect to EXHIBIT B REVISED CODE OF JUDICIAL CONDUCT, Appended by Order of September 9, 1992:

CANON 1, "A judge shall uphold the integrity and independence of the judiciary."

CANON 2 "A judge shall avoid impropriety and the appearance of impropriety in

all of the judge's activities."

CANON 3 "a judge shall perform the duties of judicial office impartially and diligently."

CANON 4 "A judge shall so conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations."

CANON 5 "A judge or judicial candidate shall refrain from inappropriate political activity."

NOTE OF CONCERN: As per my telephone conversations with Senator Taniguchi's staff members Terrence and Wayne I have some concern as to the possible conflict of interest of Senators Brian Taniguchi and Senator Dwight Takamine resulting from their membership in the 1978 Law Class of the William S. Richardson School of Law, and the associations with class members of the Class' of 1976 & 1977, as it must be anticipated that a rejection of Governor Linda Lingle's nomination of Edward H. Kubo to a judicial appoint would result in numerous questions for justification of denial of approval judicial appointment that would lead to the exposure of an Enterprise of corrupt government officials and judges and who were their former classmates.

THEREFORE: In light of the aforesaid evidence, documentation, and testimony provided in opposition to the judicial appointment of Edward H. Kubo, and the requirement of the sworn oath of office of members of the Judicial and Government Operations Committee to question and conduct hearings of numerous sworn elected officials as to their misprision of felony in reference to their knowledge pertaining to, or resulting from, their receipt of the aforementioned 2 June 2009 Fax transmittal, THE APPOINTMENT OF EDWARD H. KUBO TO A JUDGESHIP OF THE CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII MUST BE DENIED.

Thank you for your attention in this matter, and feel free to contact me for additional, evidence, documentation or testimony.

Sincerely,


Dan A. Cole

Attached:

2 June 2009 FAX TRANSMITTAL, RE: State Attorney General Mark J. Bennett, without attachments. (3 pages)

Continued next page:

HAWAII PENAL CODE, [PART VII], EXTORTIONH, HRS §707-764. (2 pages)

1 May 2007 CRIMINAL COMPLAINT, To Edward H. Kubo, *et al.* (3 pages)

May 31, 2007 letter from U.S. Attorney Kubo to Dan A. Cole. (1 page)

4 May, 2007 Memo from the Hawaii County Police Department to Corp. Counsel Lincoln S.T. Ashida. (1 page)

June 7, 2007 letter from Hawaii County Police Chief Lawrence Mahuna to Dan A. Cole. (1 page)

TITLE 18 United States Code, 18 U.S.C. §2., 3., 4., 241., 371., 1512., 242. (7 pages)

William S. Richardson School of Law, Class roster for years 1977 & 1978. (2 pages)

FAX TRANSMITTAL: Forty, (40), pages total.

20 January 2010

TO: Brian T. Taniguchi, Phone 808-586-6460, FAX: 808-586-6461
Hawaii state Senator
Chair, Judiciary and Government Operations committee

FROM: Dan A. Cole, Phone: 808-966-9229
P.O. Box 630
Keeau, Hawaii, 96749

**RE: TESTIMONY IN OPPOSITION to the appointment of
Gubernatorial Nominee EDWARD H. KUBU, JR., to the Circuit
Court of the First Circuit, RE: GM109,; Title 18 United states
Code, 18 U.S.C. §4 Misprision of Felony.**

Dear Senator Taniguchi:

As per a 19 January 2010, request from you Staff Member Wayne, I am re-faxing the thirty-nine page FAX TRANSMITTAL, RE: Wilful Violations of Hawaii's sunshine Law by the Hawaii County Council (Body Politic), Objection to Judicial appointment of Edward Kubo.

I have requested your staff to send me an email confirmation of the documentation and testimony your office has received from me. Please have your staff email these confirmations to, cole_hawaii@yahoo.com. I will also be requesting the complete transcripts and documentation of testimony for all hearings RE: GM109 in accordance with the Hawaii Uniform Information Practices Act, and such documentation may be entered as exhibits in various State and Federal Court filings.

Thank you for your attention in this matter.

Sincerely,



Dan A. Cole

FAX TRANSMITTAL: Twenty, (20), pages total.

2 June 2009

RE: State Attorney General Mark J. Bennett's, *et al.*, Knowing and Knowingly acts and actions of EXTORTION, and apparent membership in an Enterprise engaged in a pattern of RACKETEERING activities, that EXTORT, and/or, BLACKMAIL County, State, and Federal elected officials and public servants, to include Officials and Employees of the U.S. Attorney's Office, the FBI in Hawaii, Judges and Officers of the U.S. District Court, District of Hawaii, and Judges and Officers of State Court of the Third Circuit.

TO: Colleen Hanabusa, Phone: 808-586-7793, FAX: 808-586-7797
President of the Senate
State of Hawaii.

COPY TO: FBI SAC Thornton, Phone: 808-566-4300, FAX: 808-566-4470

FROM: Dan A. Cole, Phone: 808-966-9229
P.O. Box 630
Keaau, Hawaii 96749

Dear Senator Hanabusa:

As per my recorded telephone conversation of 1 June 2009, with your staff member Linda, I am providing the attached seventeen pages of documentation to support my statements and identify and provide the location of Federal, State, and County records, in addition to hundreds of hours of recorded telephone conversations I had with public officials, and thousands of pages of documentation obtained from Federal and State Freedom of Information requests that span almost three decades, that are verifiable, uncontested, and document the existence, history, and operation of an Enterprise of corrupt public officials that threaten, extort, and apparently blackmail public officials and citizens of Hawaii for the benefit of the Enterprise.

Due to research in preparation for actions before the U.S. District Court, District of Hawaii in Case No. 05-00325 JMS-BMK, it was discovered that State Attorney General Mark Bennett, U.S. Attorney Edward Kubo, U.S. District Judge J. Michael Seabright, and former U.S. Representative Ed Case, comprise an Enterprise as defined by statutes of the Federal RICO Act, that was formed in the early 80's by and through their official State and Federal positions and associations and would have knowledge and evidence of, or access to such knowledge and evidence, of the criminal organizations in Hawaii. The actions, or lack of actions of Elected Officials to the documented government corruption of the current administration, to include Governor Lingle's personal involvement in a conspiracy to defraud the U.S. Government of millions of dollars through fraudulent military construction contracts as detailed in the U.S. District Court records of Senior U.S. District Court Judge Samuel King, would indicate that elected and appointed public officials are being blackmailed or extorted into silence in these matters.

Due to my personal history of the Navy Reserve scandal of the 70's, and my membership in the Carpenter Union in the early 80's, I have knowledge of the operations and history of the U.S. Attorney's Office in Hawaii, and the rumors that U.S. Senator Daniel Inouye, and former Hawaii State Governors Ariyoshi, and Waihee had prior knowledge of, and/or approved of, the execution of a Hawaii mobster understood to be Harold "Biggie" Chan. It could be construed that the aforementioned Enterprise, in association with Governor Lingle could have used, or are currently using, such information and evidence for their personal and/or political benefit.

The actions of State Attorney General Mark Bennett, in criminal violation of Hawaii Revised Statutes, HRS §707-764 Extortion, (1),(e),(i) conspired with County of Hawaii Corporation Counsel Lincoln S.T. Ashida, and Steven Y.K. Chang, to extort, or attempt to extort, my silence by encumbering the title of real property at 15-1490 26th Avenue Hawaiian Paradise Park, on the Island of Hawaii, by declaring it an Open Dump, and preventing the sale, or the ability to sell said property, for the purpose of preventing or hindering the prosecution of corrupt County, State, and Federal Officials associated with the illegal dumping of flood debris, and the illegal construction of flood diversion works from the material removed from Hilo Stream beds in 2001 to provide flood protection for the property of politically privileged people at the expense of property owners down stream under a Federal and County funded contract, that resulted in the silt blocking of the Hilo Harbor, and the multimillion dollars of flood damage from the February 2008 flooding in Hilo, in addition to the apparent altering of Federal documents and contracts after the fact to cover up their acts and actions of fraud, and would expose and document a pattern of acts and actions of extortion, and racketeering, knowing and knowingly committed by organized government corruption in County, State and Federal Offices in Hawaii.

I am providing you this information so that when future property damage, injury, or death result from the actions of corrupt officials identified through the attached documentation, there will be a trail of evidence as to what you knew and when you knew it. I request you use the power of your Office to protect the health and welfare of the people of Hawaii, and restore their Constitutional Rights and Freedoms.

Thank you for your attention in this matter.

FILE
since

COPY
Dan A.

Attached: HRS § 707-764 Extortion, (1 page)

Continued next page:

Continuation of Attachments to 2 June 09, Fax Transmittal from Dan Cole:

June 4, 2004 letter to Mark Bennett from Lincoln Ashida, (1 page)
August 19, 2004 letter to Dan Cole from Steven Chang, (2 pages)
COMPLAINT CV05-00325 HG-BMK, (1 page)
STIPULATIONS, Civil No. 05-00325 JMS-BMK, (2 pages)
May 29, 2008 letter Chief Mahune to FBI SAC Kamehameha, (1 page)
OCT 22, 2008 Hawaii County Police Report Request C08026988, (1 page)
FEB 24, 2009 Hawaii County Police Report Request C08037551, (1 page)
01/26/2009 Police Report No: C08039254-001,002, HARASSMENT, (2 page)
14 May FAX TRANSMITTAL, to FBI SAC Honolulu Division, (1 page)
1 MAY 2009 MISPRISION OF FELONY to Hawaii County Police, (2 pages)
May 1, 2009 letter to Dan Cole from Police Chief Kubojiri, (1 page)

Only the subsection attended is

OFFENSES AGAINST THE PERSON

707-769

- (d) Commit a penal offense;
 - (e) Accuse some person of any offense or cause a penal charge to be instituted against some person;
 - (f) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt, or ridicule, or to impair the threatened person's credit or business repute;
 - (g) Reveal any information sought to be concealed by the person threatened or any other person;
 - (h) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense;
 - (i) Take or withhold action as a public servant, or cause a public servant to take or withhold such action;
 - (j) Bring about or continue a strike, boycott, or other similar collective action, to obtain property that is not demanded or received for the benefit of the group that the defendant purports to represent; or
 - (k) Do any other act that would not in itself substantially benefit the defendant but which is calculated to harm substantially some person with respect to the threatened person's health, safety, business, calling, career, financial condition, reputation, or personal relationships;
- (2) Intentionally compel; or induces another person to engage in conduct from which another has a legal right to abstain or to abstain from conduct in which another has a legal right to engage by threatening by word or conduct to do any of the actions set forth in paragraph (1)(a) through (k); or
- (3) Makes or finances any extortionate extension of credit, or collects any extension of credit by extortionate means. [L 1979, c 106, pt of §1; am L 2001, c 33, §3]

Case Notes

In RICO action, plaintiff did not satisfy essential element of extortion and failed to establish attempted extortion regarding defendant's letter to plaintiff. 855 F. Supp. 1156.

[§707-765] Extortion in the first degree.

Case Notes

Evidence sufficient to convict defendant under this section; evidence showed that victim borrowed \$1,100 from brother and gave it to defendant; when victim borrowed the money, it became victim's money. 103 H. 68 (App.), 79 P.3d 686.

§707-769 Defenses to extortion. ***

(2) If the owner of the property is the defendant's spouse or reciprocal beneficiary, it is a defense to a prosecution for extortion under paragraph (1) of section 707-764 that:

- (a) The property which is obtained or over which unauthorized control is exerted constitutes household belongings; and
- (b) The defendant and the defendant's spouse or reciprocal beneficiary were living together at the time of the conduct.

[am L 1997, c 383, §68]

Revision Note

Only the subsection amended is compiled in this Supplement.

Harry Kim
Mayor



Lincoln S.T. Ashida
Corporation Counsel

Gerald Takase
Assistant Corporation
Counsel

COUNTY OF HAWAII
OFFICE OF THE CORPORATION COUNSEL

101 Aupuni Street, Suite 325 • Hilo, Hawaii 96720-4262 • (808) 961-8251 • Fax (808) 961-8622

June 4, 2004

Honorable Mark J. Bennett
Attorney General
Department of the Attorney General
425 Queen St.
Honolulu, HI 96813

Dear Mr. Bennett:

RE: **Dan Cole**

On May 28, 2004, our office met with Mr. Dan Cole, concerning a complaint of illegal dumping which occurred on the Big Island of Hawai'i. In sum, Mr. Cole alleges an individual has committed illegal acts of dumping, which in turn has caused Mr. Cole financial loss.

Mr. Cole presented what appeared to be considerable credible evidence to substantiate his claims.

Enclosed is a copy of a memorandum generated by the Hawai'i County Department of Public Works summarizing Mr. Cole's contact with the County.

Mr. Cole was advised to seek the services of the Attorney General's Environmental Crime's Unit to initiate a complaint and have this matter properly investigated.

We ask your assistance on behalf of Mr. Cole to look into this matter. Mr. Cole may be contacted at P.O. Box 630, Kea'au, Hawai'i 96749. His telephone number is (808) 966-9229.

We thank you in advance for your kind consideration of this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lincoln", is written over a horizontal line.

LINCOLN S. T. ASHIDA
Corporation Counsel

Encl.

cc: ✓ Dan Cole (w/out encl.)
Gary Saferik, Councilman (w/out encl.)
Bruce McClure, Director of Public Works (w/out encl.)

S: Departments/Corp Counsel/LSA Misc. Corresp./Letter to AG re Cole 6-4-04/LSAmm

Hawai'i County is an Equal Opportunity Employer and Provider

EXHIBIT "Z"

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801-3378

CHRYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
EMDISHMS

August 19, 2004

S0821TN

**CERTIFIED MAIL NO. 7003 1680 0005 1606 2458
RETURN RECEIPT REQUESTED.**

Mr. Dan Cole
P.O. Box 630
Keaau, Hawaii 96749

File: 01-133

Dear Mr. Cole:

**SUBJECT: Disposal of Concrete Rubble and Sediment
at 15-1490 26th Avenue, Hawaiian Paradise Park**

On June 1, 2004, the Department of Health, Solid Waste Section received your request to reopen your complaint, which we received on August 8, 2001, regarding the disposal of flood debris on the subject property. It is our understanding that on or about April 2001, at your request, 21 loads of flood debris were deposited on the subject property and that the flood debris consisted of approximately 16 loads of sediment and 5 loads of concrete rubble. It is also our understanding that sometime prior to June 13, 2001, you buried the sediment and the concrete rubble on the subject property.

An open dump is defined in Hawaii Revised Statutes (HRS) 342H-1 which provides:

"Open Dump" means a disposal site that is operating in nonconformance with applicable standards, relevant permit conditions, rules, or this chapter.

Operating an open dump is a violation of HRS 342H-30 which provides:

- (a) *No person, including any public body, shall engage in the operation of an open dump.*

A solid waste management system is defined in HRS 342H-1 which provides:

"Solid Waste Management System" means a system for the storage, processing, treatment, transfer, or disposal of solid waste.

The unpermitted operation of a solid waste management system is a violation of (HRS) 342H-30 which provides:

- (b) *No person, including any public body, shall operate a solid waste management system without first securing approval in writing from the director.*

Furthermore, as the property owner and/or operator, you have the responsibility to properly manage and dispose of accumulated solid wastes. This responsibility is stated in the

EXHIBIT "A"

Mr. Dan Cole
August 19, 2004
Page 2

Hawaii Administrative Rules (HAR), Title 11, Chapter 58.1 which provides:

- (a) *The aesthetic, nonhazardous, and sanitary storage of solid waste is the responsibility of the person owning, operating, or managing the property, premises, business establishment, or industry where the solid waste is accumulated.*
- (b) *Any person owning, operating, or managing a property, premise, business establishment, or industry has the responsibility of removing accumulated solid waste to an approved solid waste disposal facility. Contractual or other arrangements for the removal of accumulated solid waste shall not relieve a person of this primary responsibility as stated above. Solid waste shall be removed to an approved solid waste disposal facility, prior to creating a nuisance condition or health or safety hazard.*

You are hereby required to correct the above-mentioned areas of noncompliance and provide documentation of your corrective actions to the DOH within sixty (60) calendar days of your receipt of this letter. Corrective actions shall include:

1. Remove concrete rubble in excess of one cubic yard that is greater than 8 inches in diameter that has not been placed with the approval of a licensed soils engineer or has exposed rebar to DOH-permitted disposal and/or recycling facilities, or get engineering approval for the placement of the concrete rubble that is greater than 8 inches in diameter with no exposed rebar, or process the concrete rubble so that it is less than 3 inches in diameter with no exposed rebar and leave it on site, or a combination of the above. Submit disposal receipts to our office for the waste removed from your site.
2. Remove any other solid waste from the subject site.

As stated in our November 28, 2001, letter to you, the sediment deposited on the subject site appears to consist of inert fill material. It is our understanding that you are concerned that the sediment was petroleum contaminated soil. Based on the information you have provided, it is not clear that the sediment deposited on the subject site meets the regulatory definition of petroleum contaminated soil. However, because of your concern, we recommend that you hire a qualified environmental consultant to conduct an assessment and if needed a cleanup of the subject site.

Please provide documentation regarding the volume of concrete greater than 8 inches; the removal, processing and/or disposal of concrete; analytical results on the soil determining whether the soil is petroleum contaminated soil; and the quantity of petroleum contaminated soil as confirmed by analytical testing.

If you have any questions concerning this letter, please contact Ms. Lene Ichinotsubo of the Solid Waste Section at (808) 586-4240.

Sincerely,

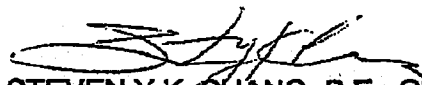

STEVEN Y.K. CHANG, P.E., CHIEF
Solid & Hazardous Waste Branch

EXHIBIT "A"

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAY 17 2005

at 8 o'clock and 47 min
WALTER A. Y. L. CHINN, CLERK

VS

Dan A. Cole
Plaintiff, Pro Se
P.O. Box 630
Kaan, HI 96749
Telephone (808)-966-9229

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

COLE, DAN A.

Plaintiff,

Vs.

STATE OF HAWAII
COUNTY OF HAWAII

Defendants.

COMPLAINT

CV 05-00325 HG BMK


COMPLAINT

1. THE PLAINTIFF ALLEGES that the corrective actions demanded by the Defendant, as stated in the State of Hawaii, Department of Health letter dated, August 19, 2004, S0821TN, File: 01-133, signed by Steven Y.K. Chang, P.E., Chief, Solid & Hazardous Waste Branch, is a violation of the Plaintiff's Constitutional rights under the Fourteenth Amendment to Due Process of Law.

2. THE PLAINTIFF ALLEGES that the Defendant's demands are the result from actions of malfeasance, misfeasance, and nonfeasance by the Defendants, and to be organized and biased actions against the Plaintiff based on the Plaintiff's race.

THE PLAINTIFF DEMANDS his Constitutional Rights of Due Process of Law.

Dated: 13 May 2005, Kaan, HI


Dan A. Cole,
Plaintiff, Pro Se

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 13 2008

DAN A. COLE
P.O. Box 630
Kaan, Hawaii 96749
Telephone: 808-266-9229
Plaintiff, Pro Se

SUE BETHA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

DAN A. COLE

Plaintiff,

vs.

STATE OF HAWAII
COUNTY OF HAWAII, et al.

Defendants.

CIVIL NO. 05-00325 JMS-BRK

STIPULATIONS

STIPULATIONS

As all adverse parties are in agreement it is stipulated that the Defendants, County and State of Hawaii, by and through the actions of their agents did threaten the Plaintiff with the intent to influence, delay, or prevent the Plaintiff's testimony in an official proceeding, and retaliated against the Plaintiff, Dan A. Cole, by depriving a United States citizen in the jurisdiction of the State of Hawaii, of his Constitutional rights of Due Process, and Equal Protection of the Laws as guaranteed by the Fourteenth Amendment of the United States Constitution.

DATED: Kaan, Hawaii, February 12, 2008

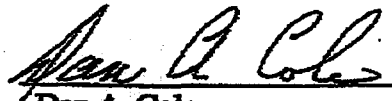

Dan A. Cole
Plaintiff, Pro Se

EXHIBIT "A"

Harry Kim
Mayor



COPY

Lawrence K. Mahuna
Police Chief

Harry S. Kubojiri
Deputy Police Chief

County of Hawaii

POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawaii 96720-3998
(808) 935-3311 • Fax (808) 961-3869

May 29, 2008

Ms. Janet L. Kamerman
Special Agent in Charge
U.S. Department of Justice
Federal Bureau of Investigation
300 Ala Moana Blvd. Suite #4-230
Honolulu, Hawaii 96850

Dear Ms. ~~Janet~~ Kamerman:

This is a follow-up to the phone conversation Major Marshall Kanehailua of the Hawaii Police Department had with Supervisory Special Agent Tom Glorioso on May 29, 2008.

During that conversation, Major Kanehailua had requested the FBI's assistance in investigating the allegations of government corruption outlined in Mr. Dan Cole's letter dated May 6, 2008. Major Kanehailua was informed by SSA Glorioso that the FBI had already received a copy of the letter and is currently deciding on the appropriate action to be taken.

Should your office decide to initiate an investigation of alleged corruption within our department, we are fully prepared to cooperate with such investigation.

Should you have any questions, feel free to contact Major Marshall Kanehailua of our Administrative Bureau at (808) 961-2247.

Sincerely,


LAWRENCE K. MAHUNA
POLICE CHIEF

cc: Mr. Dan Cole

Harry K. K.



Lawrence K. Mahuna
Police Chief

Harry S. Kubojiri
Deputy Police Chief

County of Hawaii

POLICE DEPARTMENT

349 Kapiolani Street - Hilo, Hawaii 96720-3995
(808) 935-3311 - Fax (808) 961-8865

October 22, 2008

CERTIFIED MAIL, RETURN RECEIPT REQUESTED
7007 2560 6000 3020 0752

Mr. Dan A. Cole
P.O. Box 630
Keeau, Hawaii 96749

Re: Report request from incident on August 6, 2008
Police Incident report number C08026988

Pursuant to your request, the following is noted:

Report is not available as:

- _____ more information needed; unable to locate report.
- _____ written authorization is required from party in interest.
- _____ a subpoena duces tecum is required.
- _____ it involves a juvenile.

Report (s) attached/enclosed as requested.

 X Other: A redacted copy of incident report C08026988 has been provided, the entire report could not be released being that it is in the process of being sent to the Prosecutor's Office. Copies of the document you submitted to Officer Kaaliue, along with the incident report has been sent to the Keeau Police Station where it can be retrieved, after the \$3.40 fees are paid for.

 X Other: We are not producing the entire case requested under C08026988 because it is pending either investigation or prosecution. We rely upon the following chapters of the Hawaii Revised Statutes which read in part as follows:

§92F-13 Government records; exceptions to general rule. This part shall not require disclosure of:

...(3) Government records that, by their nature must be confidential in order for the government to avoid the frustration of a legitimate government function....

§92F-22 Exemptions and limitations on individual access. An agency is not required by this part to grant an individual access to personal records, or information in such records:

William P. Kenei
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapuhonua Street • Hilo, Hawai'i 96720-3992
(808) 935-3311 • Fax (808) 961-6865

February 24, 2009

Dan Cole

Re: Police Report C08037351

Pursuant to your request, the following is noted:

Report is not available as:

- _____ more information needed; unable to locate report.
- _____ written authorization is required from party in interest.
- _____ a subpoena duces tecum is required.

X

Other: We are not producing the requested item as the case is pending either investigation or prosecution. We rely upon the following chapters of the Hawaii Revised Statutes which read in part as follows:

§92F-13 Government records; exceptions to general rule.

This part shall not require disclosure of:

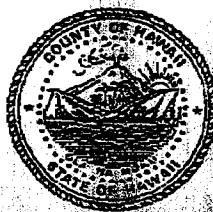
- ... (3) Government records that, by their nature, must be confidential in order for the government to avoid the frustration of a legitimate government function....

§92F-22 Exemptions and limitations on individual access. An agency is not required by this part to grant an individual access to personal records, or information in such records:

- (1) Maintained by an agency that performs as its or as a principal function any activity pertaining to the prevention, control, or reduction of crime, and which consist of:
 - (A) Information or reports prepared or compiled for the purpose of criminal intelligence or of a criminal investigation, including reports of informers, witnesses, and investigators; or
 - (B) Reports prepared or compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through confinement,

JAY T. KIMURA
PROSECUTING ATTORNEY

CHARLENE Y. IBOSHI
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KILAUEA AVENUE
HILO, HAWAII 96720
PH: 961-0466
FAX: 961-8908
934-3403
934-3503

WEST HAWAII UNIT
81-990 HALEKONI ST., SUITE 150
KEALAKEKUA, HAWAII 96750
PH: 322-2552
FAX: 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

01/26/2009

DAN A COLE
P.O. BOX 630
KEAAU HI 96749

Police Report No: C08039254-001
Charge(s): HARASSMENT

Date of Offense: 12/29/08

Next Event: SCHEDULED SCREENING

This letter is to inform you that our office has received a police report indicating you were a victim in the above case. The report is currently being reviewed to determine if criminal charges can be pursued.

We cannot release the suspect's name at this time because charges have not been filed. However, if you should have any questions about the criminal justice process, or if you have changed your address or phone number, please contact:

The Victim/Witness Assistance Unit

Phone No: 934-3306

Sincerely yours,

VICTIM/WITNESS ASSISTANCE PROGRAM

JAY T. KIMURA
PROSECUTING ATTORNEY

CHARLENE Y. IBOSHI
FIRST DEPUTY
PROSECUTING ATTORNEY



555 KILAUEA AVENUE
HILO, HAWAII 96720
PH: 961-0466
FAX: 961-8908
934-3403
934-3503

WEST HAWAII UNIT
81-980 HALEKUNI ST, SUITE 150
KEALAKEKUA, HAWAII 96750
PH: 322-2552
FAX: 322-6884

OFFICE OF THE PROSECUTING ATTORNEY

01/26/2009

DAN A COLE
P.O. BOX 630
KEAAU HI 96749

Police Report No: C08039254-002
Charge(s): HARASSMENT

Date of Offense: 12/29/08

Next Event: SCHEDULED SCREENING

This letter is to inform you that our office has received a police report indicating you were a victim in the above case. The report is currently being reviewed to determine if criminal charges can be pursued.

We cannot release the suspect's name at this time because charges have not been filed. However, if you should have any questions about the criminal justice process, or if you have changed your address or phone number, please contact:

The Victim/Witness Assistance Unit

Phone No: 934-3306

Sincerely yours,

VICTIM/WITNESS ASSISTANCE PROGRAM

FAX TRANSMITTAL: Nine, (9), pages total

14 May 2009

TO: Special Agent in Charge. Phone: 808-542-2600, FAX: 808-566-4470
Federal Bureau of Investigation
Honolulu Division

TO: U.S. Senator Daniel K. Inouye, Phone: 202-224-3934, FAX: 202-224-6747

COPY TO: Angela L. Byers, Phone: 202-324-2600, FAX: 202-324-2633
FBI Unit Chief, Initial Processing Unit
Inspection Division

FROM: Dan A. Cole, Phone: 808-966-9229
P.O. Box 630
Keaau, Hawaii 96749

RE: Retaliation for sending the FBI information and evidence on RICO
violations of government officials.

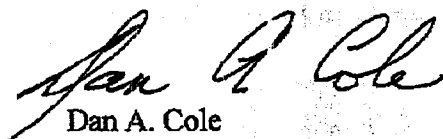
Dear Special Agent in Charge & Senator Inouye:

I am requesting to know who in the FBI authorized the Cooperation Counsel for the County of Hawaii, Lincoln S.T. Ashida, to file criminal charges against me with the Hawaii County Police Department, Police Report #C08037351, for violation of HRS§ 710-1015 False reporting to law-enforcement authorities, for sending the attached 6 May 2008 letter to Special Agent Janet L. Kamerman, that identifies and provides verifiable evidence of organized government corruption and violations of State and Federal RICO statutes.

I am also requesting the reasons as to why I have received no response from the FBI to the 6 May 2008 letter to SAC Kamerman, and the attached 10 March 2009 letter to FBI SAC Kendrick D. Williams, and why I am receiving no protection from the threats and extortions directed against me and my family by government officials for providing this verifiable evidence to the FBI, and why the FBI and State law enforcement agencies and departments refuse to investigate organized government corruption in Hawaii.

Thank you for your attention in this matter.

Sincerely,



Dan A. Cole

MISPRISION OF FELONY**1 MAY 2009**

TO: Police Department
 County of Hawaii
 349 Kapiolani Street
 Hilo, Hawaii 96720-3998
 Telephone: 808-935-331
 FAX: 808-961-8365

FROM: Dan A. Cole
 P.O. Box 630
 Keanu, Hawaii 96749
 Telephone: 808-966-9229

RE: Request made by Hawaii County Prosecutor Jay Kimura, to Dan A. Cole to report to the Hawaii County Police Department the following Incidents of violations of Hawaii Revised Statutes, (HRS).

INCIDENTS REPORTED:

At the request of County of Hawaii Prosecutor Jay Kimura, made on 30 April 2009, during a conversation with Dan A. Cole, and witnessed in part by Hawaii County Police Officer Jesse Kerr, Incidents of violations of Hawaii Revised Statutes are made as follows:

Levon P. Stevens, Police Officer, County of Hawaii:

1. HRS §710-1030 Hindering prosecution in the second degree, for violations of HRS §710-1063 Unsworn falsification to authorities by State's Witness Bertie Paul Weber.

Paul Weber, 16-1728 Route 130, Pahoa, Hawaii 96778, Ph.: 982-5808:

1. HRS §453-12 Perjury
2. HRS §710-1063 Unsworn falsification to authorities
3. HRS § 705-520 Criminal Conspiracy in subornation of Perjury.

Dakota Frenz, Deputy County Prosecuting Attorney, County & State of Hawaii:

1. HRS §705-520 Criminal Conspiracy in subornation of perjury of State's Witness Bertie Paul Weber.

Dakota Frenz et al.

2. HRS § 710-1030 Hindering prosecution in the second degree of State's Witness Bertie Paul Weber.

William Smith, Judge, District Court of the Third Circuit, State of Hawaii

1. HRS § 710-130 Hindering prosecution in the second degree of State's Witness Bertie Paul Weber.
2. HRS § 705-520 Criminal Conspiracy in the subornation of Perjury of State's Witness Bertie Paul Weber as perpetrated by Deputy Prosecuting Attorney Dakota Frenz.

Greg Nakamura, Judge, Circuit Court of the Third Circuit, State of Hawaii
 Wayne C. Metcalf, Judge, District Court of the Third Circuit, State of Hawaii
 William E. Smith, Judge, District Court of the Third Circuit, State of Hawaii
 Jay T. Kimura, Prosecuting Attorney, County of Hawaii
 Dakota K.M. Frenz, Deputy Prosecuting Attorney, County of Hawaii

1. HRS § 705-520 Criminal Conspiracy in hindering the prosecution of States Witness Bertie Paul Weber for violations of HRS § 453-12 Perjury, and HRS § 710-1063 Unsworn falsification to authorities.
2. HRS § 710-1030 Hindering prosecution in the second degree for violations of HRS § 453-12 Perjury, and violations of HRS § 710-1063 Unsworn falsification to authorities, by State's Witness Bertie Paul Weber.

Filed with the Hawaii County Police Department this date: 1 May 2009

Dan A. Cole

Received by: JS/5-1-09

Police Report#: _____

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawaii

POLICE DEPARTMENT

349 Kapiolani Street - Hilo, Hawaii, 96726-3998
(808) 935-3311 - Fax (808) 961-3365

May 11, 2009

RECEIVED NAME
RECEIVED NAME
7000 2009 0002 0000 0000

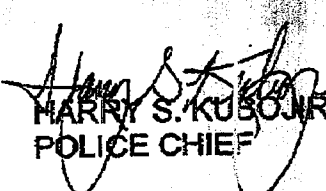
Mr. Dan A. Cole
P. O. Box 630
Keaau, HI 96749

Dear Mr. Cole:

Staff received and reviewed your complaints relating to the court case involving a Mr. Weber. Our review of the documents you submitted has led to our conclusion that your complaints relate to a matter that has already been adjudicated in the District Court of the Third Circuit as part of an official judicial proceeding.

In view of the foregoing, we will not be initiating an investigation into this matter. Furthermore, during the normal course of a judicial proceeding, an adverse outcome is handled through the Judicial Appeals process and not through a police department. Therefore, we are returning all of the documents you gave to Detective John Briski for your use and disposition.

Sincerely,


HARRY S. KUBOJIRI
POLICE CHIEF

ST:lli

Encl.

Post Office Box 2351
Honolulu, Hawaii 96804-2351
(808) 539-0445

January 25, 2010

Via Facsimile - 596-6461

Senator Brian Taniguchi
Chairman
State Senate Judiciary & Government Operations Committee
State Capitol
Honolulu, Hawaii 96813

Re: Edward H. Kubo, Jr. - Nomination

Dear Mr. Taniguchi:

I am a local paralegal and professional jazz vocalist. I write this letter in support of Mr. Kubo's nomination to the First Circuit Court.

I met Mr. Kubo when I initially asked the U.S. Attorney's Office for assistance in prosecuting my former husband under the newly passed federal statute which made it a federal crime for individuals owing in excess of \$5,000 in child support arrears, to jump state lines. At the time, Elliot Enoki was Acting U.S. Attorney.

Briefly, my former husband **REFUSED** to make court-ordered child support payments of \$125 per month, resulting in approximately \$40,000 in child support arrears. He job-hopped regularly, using different social security numbers (including mine), had not (and still does not) file federal or state income tax returns since 1981, although being gainfully employed. He even went so far as to have his new wife call the Family Support Bureau in San Francisco and successfully close my case in 1982, without my knowledge. This non-payment and job-hopping went on from 1980 until Mr. Kubo's assignment to the case. By that time, the child was 15 years old.

At no time did Mr. Kubo act as though this matter was beneath him, but rather went at the case in an aggressive, no-nonsense manner, resulting in my former husband being picked up and questioned by the FBI and then advised if he did not start making court-ordered child support payments, he would be arrested and extradited to Hawaii to face criminal charges for jumping state lines under the new federal law. Additionally, the

matter was brought before a federal grand jury. It was because of Mr. Kubo's swift and immediate action on the case that I finally received a child support payment after 15 years, and have continued receiving timely payments for several years thereafter. Please note that our local Child Support Enforcement Agency or the Family Support Bureau in San Francisco did absolutely nothing as far as enforcement.

I think the Committee would do a great injustice by not appointing Mr. Kubo as a Circuit Court Judge, especially in light of the most recent appointment of Katherine Leonard as an Associate Justice -- one of the most nasty, vile, arrogant, obnoxious, morals-lacking and hate-filled individuals I (and many other people) have ever had the displeasure of interacting with. At least Mr. Kubo is a respectable, family-caring man, intelligent, and a genuinely caring individual with respect to victims of crime, which in my opinion, is probably the reason he filed a friend of the court brief on behalf of the victim of domestic violence. I am also certain that as a Judge, Mr. Kubo would be equally compassionate with respect to individuals who have committed a crime and seek the court's mercy.

I thank you for your time and consideration.

Very truly yours,



Anita G. Diaz