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GOVERNOR

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LIEUTENANT GOVERNOR

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LESLIE H. KONDO
DIRECTOR

December 14, 2006

VIA FACSIMILE NO. 586-3433

Ms. Karen Knudsen
First Vice Chair
Board of Education
1390 Miller Street, Room 405
Honolulu, Hawaii 96813

Re: Appeal from Denial of Access to Executive Session Minutes
(APPEAL 07-9 and APPEAL 07-13)

Dear Ms. Knudsen:

We are in receipt of your letter dated December 13, 2006, in which you state that the Board of Education ("BOE") previously disclosed the minutes of its September 7 executive meeting in accordance with OIP's decision dated October 30, 2006.

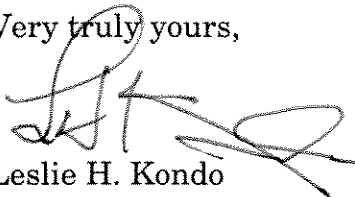
The unredacted portion of the minutes that BOE previously disclosed, however, a copy of which you attached to your letter, reflects only the motions made regarding Dr. James Shon and the votes by individual members on those motions. As you should know, OIP determined that BOE's discussion concerning procedural issues and other matters unrelated to Dr. Shon must also be disclosed. See OIP Op. Ltr. No. 06-07. We previously provided BOE with a copy of the minutes, redacted in accordance with the decision. As stated in our letter to you, BOE must disclose the minutes **in the redacted form provided by OIP to BOE with the additional redaction of Mr. Harimoto's question and Mr. Onouye's response.**

It is OIP's opinion that BOE must make the minutes and the audio tape recording, redacted in accordance with our letter to you of December 8, immediately available to the requesters. Any further delay in disclosing the records cannot be reasonably justified.

Ms. Knudsen
December 14, 2006
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If you have any questions concerning OIP's decision, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read 'L. Kondo', written over a horizontal line.

Leslie H. Kondo
Director

cc: Mr. Galen Onouye, Board of Education (via facsimile)
The Honorable Mark J. Bennett, Attorney General (via facsimile)
Holly T.M. Shikada, Esq. (via facsimile)
Ms. Linda Smith, Office of the Governor (via e-mail)
David Rizor, Ph.D. (via e-mail)
Mr. Larry Geller (via e-mail)
Mr. Alexandre Da Silva (via e-mail)