



LINDA LINGLE
GOVERNOR

JAMES R. AIONA, JR.
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF THE LIEUTENANT GOVERNOR
OFFICE OF INFORMATION PRACTICES

NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
Telephone: (808) 586-1400 FAX: (808) 586-1412
E-MAIL: oiip@hawaii.gov
www.hawaii.gov/oiip

LESLIE H. KONDO
DIRECTOR

December 29, 2006

VIA E-MAIL (lgeller@igc.org)

Mr. Larry Geller
1515 Nuuanu Avenue, #153
Honolulu, Hawaii 96817

Re: Appeal from Agency Denial of Access to Records
(APPEAL 07-19)
Request for Investigation
(S INVES-P 07-26)

Dear Mr. Geller:

The Office of Information Practices ("OIP") is in receipt of your e-mail dated December 13, 2006 and letter dated December 26, 2006, appealing the State Procurement Board's (the "Board") denial of your request for a copy of the minutes of an executive meeting convened on October 5, 2006 and seeking an investigation of the meeting. More specifically, we understand you to be raising the following issues with respect to the meeting: (1) whether the Board convened a meeting without a quorum of its members present to receive public testimony; and (2) whether the executive meeting during which the Board considered and decided certain matters was proper. We have opened two files relating to the issues raised by your correspondence: an appeal file relating to your request for access to the executive meeting minutes and an investigation file relating to the other issues that we understand you to be raising.

If you have any additional documents relating to your request, please forward the documents to us within five business days from receipt of this letter. We will also be seeking information from the agency concerning this appeal.

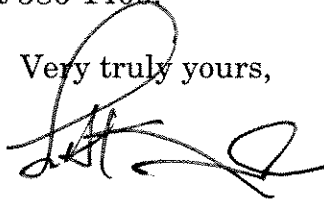
For your information, you are entitled to seek assistance from the courts without the need of first obtaining a determination from OIP. Haw. Rev. Stat. § 92F-42(1) (Supp. 2005) and Haw. Rev. Stat. § 92-12 (1993). Where a final action of a

Mr. Larry Geller
December 29, 2006
Page 2

board was taken in violation of the open meeting and notice requirements of the Sunshine Law, that action may be voided by the court. Haw. Rev. Stat. § 92-11 (Supp. 2005). A suit to void any final action must be commenced within ninety days of the action. Id.

Should you have any questions concerning the status of your appeal, please do not hesitate to contact this office at 586-1400.

Very truly yours,

A handwritten signature in black ink, appearing to be 'LH Kondo', written over the closing 'yours,'.

Leslie H. Kondo
Director

LHK:dms