

FILED
DISTRICT COURT OF
THE FIRST CIRCUIT

IN THE DISTRICT COURT OF THE FIRST CIRCUIT

2022 FEB 18 P 2:33

STATE OF HAWAII

LEGAL DOCUMENTS
CLERK J. TAGALOG *JP*

SEARCH WARRANT

STATE OF HAWAII)

CITY & COUNTY OF HONOLULU)

SW. ~~200~~ 2022 - 074

**TO THE HIGH SHERIFF OF THE STATE OF HAWAII, OR HIS
DEPUTY, OR THE CHIEF OF POLICE, OR HIS DEPUTY, OR ANY LAW
ENFORCEMENT OFFICER IN THE FIRST CIRCUIT, CITY AND COUNTY OF
HONOLULU, STATE OF HAWAII:**

Affidavit having been made before me by **Ryan J. YAMASAKI, Special Agent**
of the Department of the Attorney General, State of Hawaii, that he has reason to
believe that the property described herein may be found at the locations set forth herein
and that it falls within those grounds indicated below by "X"(s) in that it is property:

- X which is or has been used in violation of Hawaii Revised Statutes ("HRS")
section 342H-37, Felony Disposal of Solid Waste, in that it is solid waste
in an amount equal to or greater than ten (10) cubic yards in volume that
has been discarded, disposed of, deposited, discharged, or dumped
anywhere other than a permitted solid waste management system without
the written approval of the director of the Department of Health.
- X which is evidence of the crime of Felony Disposal of Solid Waste, section
342H-37 of the HRS.

- X which is or has been used in violation of HRS section 342J-9(c)(2), Penalties, in that it is hazardous waste that has been treated, stored, or disposed of without first having a permit pursuant to HRS section 342J-5, authorizing the treatment, storage or disposal.
- X which is evidence of the crime of Penalties, section 342J-9(c)(2) of the HRS.
- X which is or has been used in violation of HRS section 342D-50(a), Prohibition, in that it is any water pollutant that has been discharged into state waters, or that was allowed to enter into state waters in a manner that was not in compliance with the chapter 342D, HRS, rules adopted pursuant to chapter 342D, HRS, or a permit or variance issued by the director of the Department of Health.
- X which is evidence of the crime of Prohibition, section 342D-50(a) of the HRS.
- X which is or has been used in violation of HRS section 342D-50(b), Prohibition, in that it has been used to establish, extend, or alter any system of drainage, sewage, or water supply, or undertake any project in sewage outfall areas where there may be a possibility of alteration of currents depended upon for dilution without first securing approval in writing from the director of the Department of Health.
- X which is evidence of the crime of Prohibition, section 342D-50(b) of the HRS.

- X which is or has been used in violation of HRS section 342D-33, Knowing Violations, in that it has been used to knowingly violate chapter 342D, HRS, or any rule adopted by the department of health pursuant to chapter 342D, HRS, or any condition in a permit issued under chapter 342D, HRS, or any requirement imposed in a pretreatment program.
- X which is evidence of the crime of Knowing Violations, section 342D-33 of the HRS.
- X which is or has been used in violation of Revised Ordinances of Honolulu ("ROH") section 14-16.3, Criminal Prosecution, in that it has been used to violate any of the provisions of Articles 13 through 16 of Chapter 14 of the ROH, relating to City & County of Honolulu regulations for grading, grubbing, and stockpiling.
- X which is evidence of the crime of Criminal Prosecution, section 14-16.3 of the ROH.
- X which is or has been used in violation of ROH section 16-10.3, Criminal Prosecution, in that it has been used to violate any of the provisions of Chapter 16 of the ROH, relating to City & County of Honolulu building code.
- X which is evidence of the crime of Criminal Prosecution, section 16-10.3 of the ROH.
- X which is or has been used in violation of ROH section 18-7.3, Criminal Prosecution, in that it has been used to violate any of the provisions of

Chapter 16 of the ROH, relating to City & County of Honolulu fees and permits for building, electrical, plumbing and sidewalk codes.

X which is evidence of the crime of Criminal Prosecution, section 18-7.3 of the ROH.

And as I am satisfied that there is probable cause to believe that the property described herein is being concealed with the premises described below and that the foregoing grounds for application for issuance of the search warrant exist.

YOU ARE COMMANDED TO SEARCH:

The land, buildings, structures, commercial vehicles and storage containers on the premises of TMK (1) 5-4-004-021, that has an area of 12.693 acres; an agricultural lot along Kamehameha Highway that abuts the Northern fence line of the Hauula Shopping Center.

That the following is a description of the premises:

A) The premises of TMK (1) 5-4-004-021, that has an area of 12.693 acres; an agricultural lot West of the Kamehameha Highway and approximately 500 feet inland from the ocean shoreline also to the West of the premises, that abuts the Northern fence line of the Hauula Shopping Center. The address of the Hauula Shopping Center located on the South side of the premises is 54-316 Kamehameha Highway, Hauula, Hawaii 96717. The following image is from the City & County of Honolulu, Department of Planning and Permitting (DPP) website and shows the premises highlighted in blue:



- B) The premises has a semi-paved driveway on the South end which connects to Kamehameha Highway with a chain link fence line that runs South to North along Kamehameha Highway; the chain link fence has a dark colored dust screen on the inside of it. A photograph of the open South driveway follows:



- C) The premises also has an unpaved driveway on the North end of the property that also connects to Kamehameha Highway. A photograph of the North driveway follows:



FOR THE FOLLOWING PROPERTY:

1. ALL business records to include but not limited to; contracts, disposal records, payroll records, invoices, business checks, ledgers, time sheets, receipts and handwritten notes for IOSEPA ELECTRIC AND CONTRACTING and IOSEPA ROLLOFF SERVICES, LLC whether stored on paper, on magnetic media such as cassette, disk, diskette, USB drives, or on memory storage devices such as optical disks, solid state disks, USB drives, computers, programmable instruments such as telephones, personal digital assistants, calculators or any other storage media, together with the indicia of use, ownership, possession, or control of such records pertaining to the businesses.

2. Evidence of solid waste that has been disposed of (buried), deposited, discharged, or dumped within the premises of TMK (1) 5-4-004-021. A backhoe will be used to dig an exploratory trench and to excavate the illegal fill material to determine the volume of fill material.
3. Determine the volume of solid waste found within the premises of TMK (1) 5-4-004-021 with the assistance of a Solid Waste Branch Environmental Health Specialist(s) from the Department of Health, Solid & Hazardous Waste Branch.
4. Evidence of any abandoned hazardous waste, used oil, or used oil fuel within the premises of TMK (1) 5-4-004-021. Characteristics of Hazardous Wastes are defined by Hawaii Revised Statutes, Chapter 11, Title 261, Subchapter C.
5. Obtain samples of suspected used oil, or used oil fuel found within the premises of TMK (1) 5-4-004-021 for laboratory classification and verification with the assistance of the Hazard Evaluation Emergency Response, On-scene Coordinator(s), from the Department of Health.
6. Determine the areas of drainage that feed into State Waters and evidence of a pollutant as defined by Hawaii Revised Statutes, Chapter 11, Title 342, Subchapter D, being discharged into the State Waters with the assistance of Clean Water Branch Environmental Health Specialist(s) from the Department of Health.
7. Evidence of or indicating violations of Revised Ordinances of Honolulu (ROH) Section 14-16.3 relating to City & County of

Honolulu regulations for Grading, Grubbing, and Stockpiling with the assistance of the City & County, Department of Planning and Permitting Inspector(s).

8. Evidence of or indicating violations of ROH Section 16-10.3 relating to City & County of Honolulu Building Codes with the assistance of the City & County of Honolulu, Department of Planning and Permitting Inspector(s).
9. Evidence of or indicating violations of ROH Section 18-7.3 relating to City & County of Honolulu Fees and Permits for Building, Electrical, Plumbing and Sidewalk Codes with the assistance of the City & County of Honolulu, Department of Planning and Permitting Inspector(s).

Pursuant to Section 803-32 of the Hawaii Revised Statutes, as amended and Rule 41 of the Hawaii Rules of Penal Procedures, and if you find same, or any part thereof, to bring it forthwith before me, in the District Court of the First Circuit, City & County of Honolulu, State of Hawaii, or any other court in which the offense in respect to which property or thing taken is triable, or retain such property in your custody subject to the order of this court pursuant to Rule 41 of the Hawaii Rules of Penal Procedure.

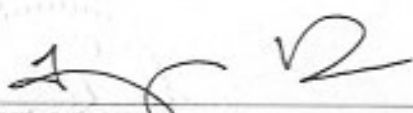
This warrant may be served and the search made at the time indicated below by an "X"(s):

X in the daytime limited to the hours between 6:00 a.m. and 10:00 p.m. and for a period of time not to exceed ten (10) days from its issuance.

_____ in the night between the hours of 10:00 p.m. and 6:00 a.m. and for a period not to exceed ten (10) days from its issuance.

_____ at any time in the daytime or night and for a period not to exceed ten (10) days from its issuance.

GIVEN UNDER MY HAND, and dated this 18 day of Feb. 2022, at 2:11 pm or, County of Hawaii, State of Hawaii.



JUDGE OF THE ABOVE ENTITLED COURT
STATE OF HAWAII

TRACY S. FUKUI, Judge