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GOVERNOR

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February 20, 2004

VIA FACSIMILE NO. 836-2546

Ms. Rochelle Gregson  
Chair, Board of Directors  
'Olelo Community Television  
1122 Mapunapuna Street  
Honolulu, HI 96819

Re: Meeting Via Telephone Conference Call

Dear Chair Gregson:

Jeff Garland has questioned whether 'Olelo Community Television ("Olelo") may convene a special meeting via telephone conference call. Mr. Garland provided us with a copy of the agenda for a "Special Board of Directors Meeting" scheduled for February 27, 2004. The agenda indicates that it will be held via teleconference and provides procedures to access the teleconference.

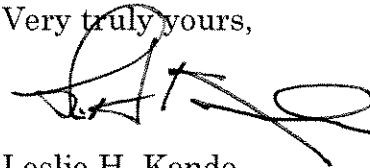
We understand that, in or around January, 2004, the Department of Commerce and Consumer Affairs issued a Plan for Public, Education and Government Access ("PEG access plan") that requires, among other things, the public, education and government access providers ("PEGs") to conduct their meetings in accordance with the Sunshine Law, part I of chapter 92, Hawaii Revised Statutes. We have a pending request for an opinion regarding whether the boards of directors of the PEGs are "boards" as defined by the Sunshine Law, and this letter should not be interpreted as an indication as to our position on the pending issue. Until we determine that the boards of directors of the PEGs are "boards" under the statute, we also have not concluded that we have the authority to review Sunshine Law issues involving the PEGs.

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However, given Mr. Garland's complaint and the requirements of the PEG access plan, we felt that it would be helpful to 'Olelo for us to comment on the planned special meeting. For your information, the Sunshine Law does not allow a board to conduct a meeting via teleconference. All meetings subject to the statute must be in-person or via videoconference. If the meeting is held via videoconference, the notice of the meeting must include the videoconference locations, and the public must be allowed to attend the meeting at any of the videoconference locations. See Haw. Rev. Stat. § 92-3.5 (Supp. 2003). Moreover, both the video and audio components must be maintained at all locations throughout the meeting. Id. If a board that is clearly subject to the Sunshine Law filed an agenda like the one filed by 'Olelo, we would advise that board to cancel the planned teleconference meeting.

To assist 'Olelo, we are available to provide Sunshine Law training to you, the other directors and 'Olelo staff. If you are interested in training, please contact my secretary, Cindy Yee, to schedule a date and time.

Very truly yours,

A handwritten signature in black ink, appearing to read 'L. Kondo', written over the typed name below.

Leslie H. Kondo  
Director

LHK:cy

cc: Kealii Lopez, Chief Operating Officer (via facsimile)  
Mark Recktenwald, Director (via facsimile)  
Clyde Sonobe, Administrator (via facsimile)  
Mr. Jeff Garland (via e-mail)