

# HFC Committee

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**From:** Jerry Sullivan <info@lahainaartsguild.org>  
**Sent:** Saturday, August 31, 2019 6:07 PM  
**To:** HFC Committee  
**Subject:** Regarding our keiki and veterans art programs  
**Attachments:** Final MEMO to Parks Dept 8.27.19 with Goodsill.pdf

Aloha HFC Committee,

My name is Jerry Sullivan, and I am the Chief Operating Officer of the Lahaina Arts Guild. As you will see in the attached Memorandum addressed to the Parks Department Director, we are currently building our Maui County keiki and veterans art programs and classes from our office in the Old Lahaina Courthouse. Bill Smith, the Lahaina Arts Society Executive Director (our sister organization) is off island the next few days, and he has asked me to forward this important Memo to you. The viability of our non-profit organizations and the care for our islands keiki are at a crossroads. This critical Memorandum explains why, and it proposes valuable solutions for our Maui community, in particular, for our keiki and veterans.



Jerry Sullivan  
Chief Operating Officer  
Lahaina Arts Guild  
<https://www.lahainaartsguild.org>



**We Make  
Art Happen**



GOODSILL

Michael J. O'Malley  
momalley@goodsill.com | (808) 547-5836

August 27, 2019

Ms. Karla Peters  
Director  
Department of Parks & Recreation  
700 Halia Nakoia St. Unit 2  
Wailuku, HI 96793  
email: [parks.dept@co.maui.hi.us](mailto:parks.dept@co.maui.hi.us)

Dear Ms. Peters:

We are forwarding on behalf of our clients, Lahaina Arts Guild (“LAG”) and Lahaina Arts Society (“LAS”), a memorandum regarding the pending termination of use of Banyan Tree Park for art festivals. We believe the memorandum itself speaks volumes as to why this would be a terrible loss for the greater Maui community. We respectfully request the privilege of a meeting to discuss this matter in the hopes of persuading decision-makers to reverse this apparent course of action and restore the art festivals under the tutelage of LAG and LAS.

We look forward to hearing from you and meeting with you to have such a conversation.

Aloha no kakou,

Michael J. O'Malley  
Managing Partner



**MEMORANDUM IN SUPPORT OF LAHAINA ARTS GUILD,  
LAHAINA ARTS SOCIETY ART FESTIVALS IN BANYAN TREE PARK**

August 27, 2019

Ms. Karla Peters  
Director  
Department of Parks & Recreation  
700 Halia Nakoia St. Unit 2  
Wailuku, HI 96793

Via email: [parks.dept@co.maui.hi.us](mailto:parks.dept@co.maui.hi.us)

Dear Director Peters,

We are writing with respect to what we understand are decisions made and permits awarded which would effectively result in the elimination of Lahaina Arts Guild and Lahaina Arts Society use of Banyan Tree Park for Art Festivals. Our Art Festivals have been part of the fabric of our local community for over 50 years, and they provide safe, satisfying and cost effective recreational opportunities for residents and visitors alike. In addition to providing an extremely popular park use, the ancillary community benefits are enormous. The Art Festivals make it possible to run our keiki and veterans programs.

The loss of art and educational activities under the Banyan Tree for the past year has already contributed to the loss of thirteen art classes per week for Maui County keiki that specifically targeted Hawaiian and at risk children. The Lahaina Arts Association, a valuable Maui charity that also provided scholarships to high school students, was forced to legally dissolve June 30, 2019.

Last year, the Lahaina Arts Society testified before the Parks Committee, primarily in support of the Lahaina Restoration Foundation's lease proposal and the proposed Banyan Tree management plan. This year, we attended the first meeting of the Healthy Families and Communities Committee that dealt with the proper use of Banyan Tree Park. We understood the Chair to say this meeting was to be the first in a series of Committee meetings to continue discussion of the issue. We then heard that the Parks Director had said that there would not be Art Festivals allowed under the Banyan Tree,

**648 Wharf Street, #103, Lahaina, HI 96761, Gallery Phone (808) 661-0111**

and that four permits had already been granted. To our knowledge, there has never been a meeting or discussion before current County Council members or the current Parks Department staff about what the Lahaina Arts Guild and the Lahaina Arts Society have actually done historically at the Old Lahaina Courthouse and in Banyan Tree Park, or what our organizations are currently doing. This Memorandum is submitted to illuminate the importance and consequences of your final decisions concerning Banyan Tree Park.

We respectfully request a meeting to discuss this matter and the issues presented below.

## **PURPOSE OF MEMORANDUM**

1. Summarize the activities of Lahaina Arts Society (LAS) and the Lahaina Arts Guild (LAG) within a historical context.
2. Respectfully request that LAG/LAS be permitted to hold four (4) weekend events per year in Banyan Tree Park (in addition to those already permitted to another organization), and to examine the historical precedent for this.
3. Carefully consider and examine the consequences of permanently curtailing LAG/LAS Art Festivals in Banyan Tree Park.
4. Examine the misunderstood “profits” of proposed LAG/LAS Art Festivals in Banyan Tree Park, and to demonstrate that LAG/LAS engages in legitimate park uses and community service, not “commercial activity”.

### **1. Summarize the activities of LAG/LAS within a historical context.**

For 52 years the non-profit LAS has mentored artists, promoted the visual arts through special exhibits, taught children’s art classes to disadvantaged Hawaiian keiki, and awarded scholarships to high school students.

For decades, LAS has been a tenant in the Old Lahaina Courthouse, helping to pay the Courthouse and Banyan Tree Park maintenance costs, while helping to build the reserves for the Lahaina Restoration Foundation.

In 1967, over 50 local Maui residents helped paint and renovate the old Post Office into gallery space. The grand opening for The Banyan Tree Gallery was held on March 19, 1969.

A few years later, LAS renovated the former town jail in the lower level of the courthouse. The abandoned jail cells were cleaned, creating additional gallery and classroom spaces. The Old Jail Gallery is now filled with the beautiful art of local Maui artists. It is popular with visitors and locals alike, and it is home to the LAG and LAS offices.

Since 2008, an affiliated but independent 501(c)(3) tax-exempt organization, the Lahaina Arts Association (LAA) has taught free weekly children’s art classes in Maui County, including a Hawaiian youth mentoring program and annual scholarships awarded to high school students each year.

Recently, LAG, also a tax-exempt charitable organization, assumed the obligations of LAA and is continuing the art classes for our underserved keiki on Maui. The LAG "We Make Art Happen" program is dedicated to providing local Maui children and veterans access to the creative arts through education and artistic opportunities.

Please visit: <https://www.lahainaartsguild.org> to learn more about LAG's programs and activities.

In the past, LAS has collaborated with the County on after school art programs. The County purchased the art supplies and LAS provided the art teacher, and we worked directly with the Parks Director in providing art programs and instruction for local children on Maui.

**2. Respectfully request LAS/LAG be permitted to hold four (4) weekend events per year in Banyan Tree Park (in addition to those already permitted to another organization), and to examine historical precedent for this request.**

We respectfully request four Art Festival weekends (8 days) per year for reasons critical to our local Maui County community, including the following:

- a. To maintain the Old Lahaina Courthouse;
- b. To continue and rebuild art classes traditionally taught by LAS and LAG for our disadvantaged Hawaiian keiki;
- c. To mentor and support young local Maui County artists;
- d. To continue and support the traditional Lahaina Town Action Committee Poster Contest;
- e. To support our sister organization, LAG, in building its veterans and keiki programs at the Courthouse and at offsite venues;
- f. To support LAG keiki art and photography classes at King Kamehameha III Elementary School, and classes at the Lahaina Cannery Mall, and to bring back the keiki art classes once taught island-wide by the Lahaina Arts Association; and
- g. To continue the association with the Semper Fi Veterans Event at the Wailea Tennis Club, where our LAS artists donate time and their art works to raise needed funds for our veterans.

The four proposed Banyan Tree weekend Art Festivals are critical to the continuation of the above activities and the many services LAG and LAS provide to the community. Through long established policies, procedures and jury criteria, all media and artistic activities are carefully screened through a rigorous jurying process to exclude any art that is not Maui made and does not have island significance, and we diligently enforce penalties for failure to adhere to LAS Banyan Tree Policies and Procedures, which are included below.

We invite you to view the extensive LAS Jury Criteria, also included below. These Criteria govern seventeen different artistic mediums, and all criteria must be

strictly adhered to by LAS artists. Any art that does not follow these standards is not allowed at art festivals or in our galleries.

LAS members pay only \$100 per year for membership privileges, which includes mentoring, continuous galleries showing and the ability to participate in LAG/LAS Art Festivals, and much more. Members are required to dedicate eight volunteer hours per month, through gallery sitting, committee time and other charitable endeavors.

Live Hawaiian music will be provided both weekend days, and on each day we will have a table dedicated on a rotating basis to education, cultural activities and the environment.

We have an extensive history of community service, which is now in jeopardy with the loss of all Banyan Tree activity. This loss of activity has adversely affected Courthouse attendance, tourism, viewings in the Banyan Tree Gallery and the Jail Gallery, and visitations at the LahainaTown Action Committee (LAC). Per LAC, hundreds of people have signed the petition to bring back art festivals under the Tree, and the staff at LAC's Courthouse Lahaina Visitor Center is spending inordinate time explaining the loss of the Art Festivals to travelers. It has literally been an international loss.

What LAS has done in the past, and what LAS is proposing now, is in concert with the policies and positions of the Department of Land and Natural Resources, Maui County, and the Cultural Resources Commission. There are countless examples of LAS community participation throughout the last 52 years of Lahaina's history. The quotations below give a sense of that history:

Nineteen years ago, the County of Maui Department of Parks and Recreation requested to amend a previous Board of Land and Natural Resources (BLNR) Approval of December 12, 1997. On February 25, 2000, the BLNR approved County use requests for the Old Lahaina Courthouse and Banyan Tree Park, stating,

**“[T]he Department of Parks and Recreation is requesting Board approval to amend their previous action...by adding a new use section for the park area which will include arts and crafts exhibits and sales, cultural demonstrations, community events and other related activities.** The proposed users will be non-profit organizations and will be required to meet the same potential user criteria established with the courthouse.” (Emphasis supplied). The BLNR continued, **“Although the courthouse has become an established historic landmark within the Lahaina area, The Lahaina Banyan Tree Park, which is located on the same piece of set aside land, also has pulled its weight as a significant historical site. For many years, the County has allowed use of the park area for exhibits, arts and crafts sales, community events, and other non-county public events...Accordingly, the Department of Parks and Recreation is requesting Board approval to amend...by adding a new use section for the park area which will include arts and crafts exhibits and sales, cultural demonstrations, community events and other related activities.”**

Included below is the referenced February 25, 2000 BLNR Consent to Lease/Sublease citing the uses for Lahaina Banyan Tree Park.

The BLNR's and the Parks Department's intention is clear: LAS Banyan Tree Art Festivals are not only allowed, they are preferred and they are an integral part of park and courthouse history.

Quotations from the **1995 Old Lahaina Courthouse Task Force Report:**

“LAS has been ‘caretakers’ of the Courthouse for 30 years and has been primarily responsible for keeping the Courthouse in as good a shape as it is now for all of that time. The committee recognized that LAS has done a very good job with very limited resources in caring for the building.” (p.13)

“Concern expressed about future rules regarding use of the Banyan tree area for sales. Virtually all profits from those sales for LAS currently goes to support the educational programs of LAS. Without that avenue for revenue, LAS would not be able to continue educational programs for the youth.” (p.14)

This last statement is prescient. As discussed below, lack of Banyan Tree activity for the past year has been a cause of the demise of the Lahaina Arts Association and its keiki classes and high school scholarships.

Comments from the **Old Lahaina Courthouse Survey Summary:** “LAS goes back so many years – tourists and locals alike expect to see it in the Courthouse building and Banyan Tree area.” “I support the art society's continued use of the Courthouse! They OFFER something unique and special to Lahaina's visitors... unlike any Front Street gallery with limited artists and high prices...also the Art Mart shows on the weekends – the artists add a lot to Lahaina's charm!”

“The current galleries (Banyan Tree and Old Jail) provide an invaluable service to both the artistic community of Maui and to visitors. They are the only two galleries that are affordable for beginning artists... visitors like these two galleries because they can purchase affordable, honest works by Maui artists... This is without even mentioning the community outreach, children's classes and programs, and preservation of Hawaiian Heritage to which LAS is dedicated.”

The importance of LAS community endeavors, and the importance of LAS presence under the Banyan Tree has been undeniable for decades, and it would be tragic to see it all come to an end. We respectfully request to be permitted four weekend events per year (8 days) in Banyan Tree Park. This is far less activity than in the past, but it will help immensely in preserving and growing our valued LAS and LAG programs.

We are cognizant of past contention over participation in Banyan Tree Park, and the desire of other groups to hold events. In order to provide equal access for all qualified applicants, the Lahaina Restoration Foundation has already submitted to the County a

detailed management plan. We support this plan as well, should the Parks Department wish to employ it. It creates a level playing field for all tax-exempt organizations, and it was modeled utilizing LAS Policies and Procedures and our extensive LAS artist jurying guidelines.

We would note the following characteristics that distinguish LAG/LAS from other groups:

1. Adherence to extensive LAS Jury Criteria governing seventeen different mediums.
2. LAS and LAG staff and members are “on the ground” daily caring for the Courthouse and surrounding grounds.
3. LAS has been a paying tenant in the Old Lahaina Courthouse for decades, which has greatly contributed to the maintenance of the building. LAG intends to continue as a tenant under a new lease (proposed).
4. LAS originally renovated the Courthouse first floor Banyan Tree Gallery and the Old Jail Gallery, and LAS has a 52 year history at the Courthouse and Banyan Tree Park.

As we understand, the Parks Department has recently approved and permitted four events under the Banyan Tree. While we encourage and support other cultural events, the engagement of our LAS artists does nothing to provide for our keiki and veterans programs, or help us pay Courthouse maintenance.

### **3. Examine the consequences of permanently curtailing LAG/LAS Art Festivals in Banyan Tree Park.**

To eliminate all LAG/LAS Art Festivals by simply saying there should be no commercial activity in any Maui County Park can have disastrous consequences for the community, our keiki, our veterans and our local native Hawaiian population. The elimination of LAS Art Festivals in Banyan Tree Park has already had formidable unintended consequences.

It has been over a year without LAG/LAS Art Festivals in the Park. As mentioned above, our sister organization, the Lahaina Arts Association (LAA) was providing 13 art classes per week for Maui keiki, specifically targeting Hawaiian children and at risk children. Classes were offered through the school in Hana on Fridays, and for a number of years classes were offered on Molokai at the school, with LAA paying part of the teacher salary. Connections were made to start classes on Lanai. Classes were also offered at the Kihei Youth Center, the Paia Youth Center, in Kahului near the low income housing area and the Boys and Girls Club, and at two locations on the west side.

This is all GONE. LAA is gone. It had to legally dissolve June 30, 2019. Its largest source of funding was LAS.



It should be a concern to the entire community that LAG and LAS, as well as the LahainaTown Action Committee, could suffer the same fate. As illustrated above, this issue is nothing new. In past instances, the County has recognized and dealt judiciously with the matter, and we hope the same will be true today. To eliminate all LAS Art Festivals by simply saying there should be no commercial activity in any Maui County Park...is throwing the baby out with the bath water.

**4. Examine the misunderstood “profits” of proposed LAG/LAS Art Festivals in Banyan Tree Park, and demonstrate that LAG/LAS engages in legitimate park uses and community service, not “commercial activity”.**

LAG/LAS will not “profit” by what we propose for the Banyan Tree. LAG/LAS do not hold craft fairs with fees being paid to organizers. Every aspect of existing and proposed financial activity mentors and supports our fledgling Maui artists, our keiki and our veterans, and, at the same time, maintains and conserves our beloved Old Lahaina Courthouse as well as Banyan Tree Park itself. Through the payment of maintenance fees (rent on sublease) and due to a hard working LAG/LAS staff that is dedicated to facility preservation, the Courthouse remains in good hands. Keep in mind these sales do not compare with the large sales of big galleries. Most Art Festival sales are extremely modest. And before an artist is even eligible to be present they must have successfully completed jurying and qualification as LAS members. All “made in Maui” artworks must be created following the extensive LAS Jury and Media Criteria (included below).

The activities proposed here should not be categorized as “commercial activity under the Banyan Tree”. They are safe, satisfying community services. “Recreational opportunities” come in many forms, and past DLNR Boards and former Parks administrations have taken the position that our Art Festivals are favored in this regard. Beyond this, it appears past decision making has taken into consideration that Banyan Tree Park is unique in its location and relationship to the community.

Our Art Festivals support growing artists by improving and enhancing their craft through interaction with more experienced artists. At the same time, visitors, tourists and locals appreciate interacting and talking with our artists. Our artists are welcoming tour guides in a way, as they discuss their mediums and other local topics with the public. As a consequence, people return year after year. People from all over the world would actually plan their vacations around the Banyan Tree Art Festivals. Can there be better “safe, satisfying and cost effective recreational opportunities for the residents of and visitors to Maui County”?

**5. Conclusion**

The arts are an important and integral part of our local Maui community. They play a large role in bringing people together, especially children. Art opens the doors to a wide range disciplines, and it inspires creativity in a host of other fields. This is why the

Banyan Tree has been so critical for so many years. It is a tree that has kept on giving to the community in so many ways, and its impacts are felt worldwide.

We believe what we propose here embraces the Parks Department Mission Statement. As discussed, LAS Art Festivals have been approved, even requested in the past by the DLNR and Parks Department because Banyan Tree Park is unique in its use opportunities, and because the activities we provide include so many ancillary benefits to the community.

And let us not forget a primary focus...our keiki. Beyond all our analysis, views, arguments, committee meetings and regulations, our most valuable guide should be our children. What is best for our kids? No level of government is currently willing or able to sufficiently support the arts and our keiki. With the help of Banyan Tree Art Festivals, we can. We only ask for opportunity.

We respectfully request a meeting to discuss these issues, as a brief three-minute testimony at a committee hearing cannot do the subject justice. Before formal action is taken, we believe it important that your office and the County Council be aware of the facts and consequences relayed here.

Mahalo for your consideration,

*Bill Smith*

William French Smith III  
Executive Director  
Lahaina Arts Society  
wfs3@me.com  
[www.lahainaarts.com](http://www.lahainaarts.com)

The opinions and ideas expressed in this Memorandum are strictly those of the Lahaina Arts Society and the Lahaina Arts Guild. We do not presume to speak for any other organization.

Cc: John Buck, Deputy Director; Moana Lutey, Esq., Corporation Counsel; Tanya Lee-Greig, Chair, CRC; Yvette Celiz, CRC Lahaina; Rosalyn Baker, Senator; Angus McKelvey, Representative; Michael Victorino, Mayor; Theo Morrison, Executive Director, Lahaina Restoration Foundation; Nicole Balanque, Executive Director, LahainaTown Action Committee.

## **Lahaina Arts Society - Jury Guidelines**

REVISED & APPROVED 1/2011, 4/25/12, 1/30/13, 10/28/15

### GENERAL JURY CRITERIA

1. Works must be original and created by the artist applying for Membership. LAS encourages artists to develop a personal style and artistic voice. Therefore, any copying, copyright infringement, or plagiarism is not allowed. All original work and limited editions must be signed by the artist. An artist working in collaboration with another artist is permitted provided both artists are members; but it must be clear what each artist does in the creative process and both artists must sign the work.
2. Jury committee will make recommendations to borderline artists on how to bring their work within LAS requirements. A second jurying will be required.
3. Artist must have an understanding of the fundamental elements of their medium, show quality of design and craftsmanship, demonstrate technical and creative skills, show original ideas, and the potential for growth.
4. Artists must provide five original works and five additional works or photos of work, all to have been completed within the last two years. Artists may be juried for no more than two mediums per jury session.

### MEDIUMS

1. **PAINTING & DRAWING:** This category will be split into the following subcategories:
  1. Oils, Acrylics
  2. Watercolors, water media
  3. Pen & Ink, Pencil, Soft Pastels and Chalk
  4. Oil Pastels
2. **FABRIC ART:** Painting on textiles, for wall art purposes only, must be painted and designed by the artist. Batik designed and executed by the artist will be accepted. Loom and other traditional hand weaving are accepted. Traditional Hawaiian quilts, as well as designs created by the artist, are also accepted. Single quilted squares must be framed or displayed as a wall hanging.
3. **HAWAIIAN & POLYNESIAN ARTS and CRAFTS:** Included are: lei-making (floral haku style, local seeds and shells), feather (haku style, hat band, head, neck) fish hooks, lures, baskets, weaving (lauhala, etc.) wood carving, tapa (kapa) printmaking and tattoo designs.
  - a. 100% seed or shell leis (kukui nuts, job's tear, etc.) must be collected, cleaned, polished, drilled and strung by the artist.

- b. Tapa (Kapa): raw tapa (kapa) and other forms of paper made from natural materials may be sold when used as a primary surface for wall art purposes. It may be framed or dowel mounted for wall hanging. In addition it may be molded into trays, fans, bookmarks, tablecloths or any form of TRADITIONAL Polynesian craft. Not allowed is tapa (kapa) used to cover store bought items such as photo albums, address and other books, picture frames or any other store bought merchandise.
  - c. Wood carving and all other forms of wood work must be created entirely by the artist.
4. JEWELRY
- a. Work must be designed and created by the artist to show a sense of creativity, originality, authenticity, and individuality, represent a unique statement of the artist, or clearly exhibit the potential for evolving into such a creative statement. Work must show durability, use of quality materials, attention to finishing detail, and well-executed construction that will withstand repeated use.
  - b. The use of purchased items in conjunction with the handcrafted jewelry is acceptable as long as at least 50% of each piece is the creation of the artist.
  - c. Molding/Casting: Any molds used must be made from an original piece of art created by the artist. The artist must complete the finishing/polishing process of all duplicates. If the artist uses a cast piece made from a natural item (stick, shell, seed, etc.) or other found objects, this item would be acceptable as long as it then adheres to guidelines for seed/bead work below and the cast item must only represent up to 50% of the final piece.
  - d. Foundry work for metal or bronze will be allowed provided the original cast was made by the artist and all finishing and detailing is done by the artist.
  - e. Seed/bead work
    - i. 50% beads handmade by the artist and 50% purchased beads may be strung in a single strand of jewelry. 50% purchased beads and 50% found seeds/beads are also acceptable as long as they are collected, cleaned, polished, drilled and strung by the artist.
    - ii. No single items may be used as jewelry (bead, seed, bone, feather, shark tooth) unless it is the artist's creation such as carving of bone or wood or a handmade bead or pendant. Simple wire wrapped items do not require a unique skill level and are not allowed.
    - iii. Purchased beads are acceptable but the jewelry MUST show creativity and originality in the layout and design such as macramé, string art, woven seed beads, and wire weaving where the purchased items are used as accents, not to distract from the main design where 50% of each piece is the creation of the artist. Single or multiple strands of assemblage are not allowed.

- f. All work should show quality of finishing and style. All materials used must be durable. Metals must have tool marks removed and clean solder joints. Sharp ends should be rounded; wire ends, prongs, and catches should be secured. Textures, patinas, and oxidation may be used to create an original style.
5. CERAMICS
- a. Originality and artistic intent are important factors for acceptance. Slip casting (molds) will be allowed provided the original cast was made by the artist as well as all slip castings made from each mold.
  - b. The artist must make a printed statement as to the use of any ceramic work for food and vessel use. (i.e. food-safe and water holding capacity.)
  - c. Decoration on pottery not made by the artist is not accepted.
6. GLASS: All original forms of glass work are acceptable.
7. DIGITAL ART
- a. Digital Art requiring scanning or photographic copying will be considered when the artist has created all of their own images before scanning or processing with Photoshop or any similar computer or digital program. Elements from sources other than the artist's original creation are unacceptable.
  - b. For work generated exclusively on a computer, the artist must demonstrate not only an artistic foundation, personal style, and understanding of design and composition, but also technical skills and knowledge including understanding of the digital process, computer enhancements, software, and printer use.
  - c. During the jurying process, the artist may be required to demonstrate on a laptop computer all of the documented steps the artist has taken to achieve the final result.
  - d. All artwork, either partially or totally created digitally must be identified as Digital Art.
8. PHOTOGRAPHY: Photography will be evaluated on the basis of artistic content and MUST represent a unique statement by the artist. The photographer should demonstrate exhibit-level quality and technical ability whether they use an analog or digital darkroom, Photoshop, or any similar computer program.
9. BASKET MAKING & FIBER ARTS
- a. Included in this category are basket making, paper making, weaving and knotting.
  - b. Baskets must be created by the artist. Store bought items may be used if it is not the dominating factor.

- c. Basket makers need to be aware that some materials attract insects and must therefore take preventive measures.
- 10. PRINTMAKING: All hand pulled prints are allowed (including mono-prints, block, and screen printing on paper or any other recognized original print process). In each of these categories the original design must be created by the artist.
- 11. FLOWER ART: Pressed flowers are acceptable as long as the artist has processed the flowers. The pieces should show design and creativity and must be arranged and matted by the artist.
- 12. COLLAGE: The art work used to create the collage should be entirely from the artist's originals, or, if copyrighted, only with written permission from the copyright owner.
- 13. SCULPTURE: Sculpture must be designed and created by the artist.
- 14. WRITTEN WORKS: Written works will be considered, however, they MUST be in conjunction with a medium which has been juried in or will be juried in along with the writing. The writing must be authored by the artist.
- 15. MUSIC: Vocal or instrumental music must be appropriate for the gallery and contain original works written and performed by the artist.
- 16. MIXED-MEDIA: Using more than one established medium in one piece of work will be accepted if the artwork follows the general jury criteria. An artist juried in for Mixed Media does not have permission to exhibit a single media unless they have juried in for that media.
- 17. METALWORK: Metals will be presented either as wall art or as sculpture. All varieties of metal will be accepted, for example aluminum, copper, brass, and silver. Work may have other elements on or attached to surfaces such as paint, patina, or glass.

**LAS BANYAN TREE ART FAIR POLICIES AND PROCEDURES**  
**Currently in Revision August 2019**

- 1) Eligibility: In order to participate in the art fair:
  - a) All annual LAS membership dues &/or other monies owed to LAS are paid.
  - b) All volunteer responsibilities are current.
  - c) An artist must be displaying at least one original piece of art in LAS Galleries
  - d) Currently active on at least one LAS Committee task.
  - e) Complete art fair mentoring responsibilities prior to the first solo setup.
  
- 2) Sales Hours: Sales hours of operation are from 9:00 A.M. to 5:00 P.M.
  
- 3) Sales Procedures: Artists are required to use the official three-part LAS receipt book, purchased at LAS Gallery, for all transactions.
  - a) Receipt must have the date and artist's name & ID #(s) for regular &/or shipped sale(s). Subtotal and tell customer there will be tax added (unless shipped out of state).
  - b) There is no tax on orders shipped out of state, but on your receipt, write the shipping price & next to it "artist to ship". Make sure to use your Shipped Sale ID#.
  - c) Customer is given both the white & yellow copies to take to LAS Gallery cashier for payment. Customer will be given the yellow copy stamped PAID back from the cashier. Customer returns this yellow copy to the artist, & then receives their paid-for art and a pink receipt from the artist.
  - d) Artist is encouraged to keep the yellow copy for his or her own records, in case of a discrepancy.
  
- 4) Packing & Shipping: Banyan Tree Artists are responsible for providing their own packing materials and for shipping their own sales. The amount charged for shipping will be added to your check for the fair.
  
- 5) New Medium: Non-juried art is not allowed at LAS Art Fairs.
  
- 6) Pricing: Similar works of art must be priced the same under the tree as in the gallery.
  
- 7) Attendance & Absence:
  - a) Artists must be present to exhibit in the art fair. Each artist will be allowed 6 days of coverage by either a family member or friend in a calendar year. Whoever replaces the artist will be required to uphold all the art fair policies and procedures, & the artist will be held accountable for their conduct. The artist must provide a written statement to the LAS Banyan Tree Committee one week prior to the art fair stating the date(s) & amount of hours he/she will be absent from their space, as well as who will be manning it. The LAS Banyan Tree Committee will copy to the LAS Executive Director. The substitute will be required to bring this statement from the artist.

- b) An artist who does not show up by 8:30 A.M. for an art fair day, or cancels with less than 24-hours notice (except for sickness &/or emergencies), will be fined \$100, to be taken out of the artist's paycheck or paid by check from the artist. Failure to pay cancels any future art fair participation. If you are going to be late, due to unforeseen circumstances, call Committee Chair at \_\_\_\_\_ before 8:30 A.M. & your space will be saved.
- 8) Provision For Disability: Disabled or handicapped artists who are eligible to participate in the art fair will meet with the LAS Banyan Tree Committee to determine what special needs they may have & if LAS can provide the necessary assistance. Artists with disabilities must provide written documentation from their physician &/or have a handicap placard.
- 9) Family Memberships: In a family membership, all members are equal in entitlements and responsibilities.
- 10) LAS Banyan Tree Committee: Committee members are responsible for enforcing these Policies and Procedures and identifying violations, monitoring attendance and assigning space designations.
- 11) Space Display:
- a) Fee: ~~\$7.81 per day fee will be automatically deducted from the artist's check for sales on that day.~~ No fee is charged if total sales for the day are less than \$50.00.
  - b) Tents: Tents are not allowed in the park except on rain days, as determined by the LAS Banyan Tree Committee, or as an accommodation for a handicap condition. Tents may be no greater than 10' X 10' maximum with no sides.
  - c) Space Assignment: Spaces are assigned by a LAS Banyan Tree Committee Member, as per instructions you will receive via e-mail. Artists must set up in assigned & designated spaces (see attached map & instructions).
- 12) Removal of Work from Galleries: Once work is displayed on Hanging Day for the monthly exhibit, no work may be removed from the galleries until the following Hanging Day.
- 13) Artist Facilitated Sales: Artists are welcome to bring clients into the galleries to show art in the monthly exhibit. Any Fine Art, if sold by an artist, will still be sold at the gallery sales commission rate.

Penalties for failure to adhere to these policies and procedures:

On all regulations – an artist will be given one written warning for a first infraction. This warning will stay on the artist's record for 12 months from the date of the infraction. The next infraction, regardless of whether the infraction is the same or of a different nature, shall result in the termination of your Las Banyan Tree Art Fair Contract. After six months you may re-apply.



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

February 25, 2000

Land and Natural Resources  
Hawaii  
Hawaii

MAUI

County of Maui Request to Amend Previous Board Approval of December 12, 1997, Agenda Item  
D-1, Tax Map Key: 4-6-01: 09, Lahaina, Maui.

REQUESTOR:

County of Maui, Department of Parks and Recreation

LEGAL REFERENCE:

Chapter 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Lahaina, situated at Lahaina, Maui, identified by Tax Map Key:  
4-6-01: 09, as shown on the attached map labeled Exhibit A.

ZONING:

State Land Use District: Urban District  
County of Maui Zoning: Park, Historic District

LAND TITLE STATUS:

Section 5(b) lands of the Hawaii Admission Act.

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:  
YES \_\_\_\_\_ NO X

CURRENT USE STATUS:

Currently under Executive Order No. 16-2 to the County of Maui for courthouse, jail and public purposes.

CHAPTER 343 - ENVIRONMENTAL IMPACT STATEMENT:

*The requested after the fact use by the County of Maui has actually existed for over thirty (30) years with no Board approval. Accordingly, the requested use of the land does not differ from this previous use. Therefore, pursuant to Section 11-200-8(a)(1) of the Environmental Impact*

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES

ITEM 3.2

*Statement Rules, Exempt Classes of Action, the County of Maui, as indicated in their January 20, 2000 letter (Land Board Exhibit B), has determined that they are exempt from the preparation of an environmental assessment.*

REMARKS:

*At its meeting of December 12, 1997, the Board, under Agenda Item D-1, reviewed and approved the County of Maui's request to lease the Old Lahaina Courthouse, under Executive Order No. 16-2, for uses other than County (public) purposes. Approval was subject to certain conditions, part of which were the following:*

*3. That the uses shall be limited to the following:*

- a. Museum*
- b. Art Gallery*
- c. Visitor Center of Lahaina Town*
- d. Community Center (meeting room/classroom)*
- e. Office Administrative Space*

*4. That the potential users must meet the following requirements:*

- a. The organizations are tax-exempt, non-profit*
- b. Their occupancy in the building must provide a demonstrated public benefit to the Lahaina Community and to the citizens of Maui County*
- c. The activities of the organizations shall have a significant education component*
- d. Other criteria as may be determined by the County of Maui*

*5. Prior to issuing the leases to the selected organizations, the County of Maui shall request approval from the Board.*

*On October 8, 1999, the Board, under Agenda Item D-3, found that the County of Maui's proposed users did meet the use condition and the established potential user criteria condition and in accordance with Condition No. 5, approved the County of Maui's request to lease the courthouse to the Lahaina Restoration Foundation and sublease to the Lahaina Art Society and Lahaina Town Action Committee.*

*Although the courthouse has become an established historic landmark within the Lahaina area, the Lahaina Banyan Tree Park, which is located on the same piece of set aside land, has also pulled its weight as a significant historical site. For many years, the County has allowed use of the park area for exhibits, arts and crafts sales, community events, and other non-county public events without Board approval. With the County's recent wish to comply with Section 171-11, HRS, for use of the courthouse building, the Department of Parks and Recreation has become aware that the uses allowed at the Lahaina Banyan Tree Park were never in compliance with this section also.*

*Accordingly, the Department of Parks and Recreation is requesting Board approval to amend their previous action of December 17, 1997, Agenda Item D-1, by adding a new use section for the park area which will include arts and crafts exhibits and sales, cultural demonstrations, community events and other related activities. The proposed users will be non-profit organizations and will be required to meet the same potential user criteria established with the courthouse.*

RECOMMENDATION:

That the Board amend their previous December 12, 1997, Agenda Item D-1, approval with changes (underlined) to Condition Nos. 3 and 4, as follows:

4. The additional uses for the courthouse shall be limited to the following:

- a. Museum;
- b. Art Gallery;
- c. Visitor Center of Lahaina Town;
- d. Community Center (meeting room/classroom); and
- e. Office Administrative Space

The uses for the Lahaina Banyan Tree Park shall be limited to the following:

- a. Arts and crafts exhibits and sales;
- b. Cultural demonstrations;
- c. Community events; and
- d. Other related activities

5. The potential users for both the courthouse and Lahaina Banyan Tree Park must meet the following characteristics:

- a. The organizations are tax-exempt, non profit;
- b. Their occupancy in the courthouse or the park must provide a demonstrated public benefit to the Lahaina Community and to the citizens of Maui County;
- c. The activities of the organizations shall have a significant educational component; and
- d. Other criteria as may be determined by the County of Maui.

Respectfully submitted,

  
PHILIP OHTA  
Maui District Land Agent

APPROVED FOR SUBMITTAL:

  
TIMOTHY E. JOHNS, Chairperson

BLNR - County of Maui  
Consent to Lease/Sublease February 25, 2000