SPIRIT OF ALOHA TEMPLE, ET AL.
V. COUNTY OF MAUI (2014-2024) (AN ANOMALOUS FACT PATTERN)



View from Spirit of Aloha Temple

BACK STORY

- FRED HONIG bought property on Maui in **1994**.
- The property was designated **county and state agriculture**, was partially in the state coastal **conservation area**, and located in the **Special Management Area** subject to environmental assessment and protections.
- HONIG failed to obtain any permits to grade in the **coastal conservation area** and **Special Management Area**.
- HONIG failed to obtain building permits, and permits for a well and septic system.
- Installed illegal cesspools on the land.

HONIG incorporated WELL BEING INTERNATIONAL, INC. in February **1993** as **a non-religious 501(c)(3)** "to perform research and instruction for individual and global peace, harmony, and health. Specializing in Yoga, Meditation, Stress Management, Vegetarian Diet, and Drug Free Living."

Well Being International, Inc. incorporated three trade names:

Maui Gay Weddings
A Marriage Made in Heaven
Maui Wedding Planners

HONIG leased property to WELL BEING INTERNATIONAL, INC. and signed the lease as both the owner/lessor of the property and as controlling incorporator of the lessee non-profit corporation

WELL BEING INTERNATIONAL, INC. advertised and operated an unpermitted tourist wedding, yoga retreat, vacation, and event venue under three (3) registered trade names

Hosted at least **549 weddings** on the property from **1996 to 2015**, for couples from 46 states, D.C., and 7 different countries, reportedly for as much as **$9,000.00** per wedding package

From **2003 to 2007** alone, WELL BEING INTERNATIONAL, INC. brought in **$2 million** as "**Program Services Revenue**," not including contributions, gifts, grants, and donations (IRS Form 990)

HONIG was advised in **2002** that his tourist wedding, yoga retreat, vacation, and event venue in agricultural and conservation zoned land required a State Land Use Commission Special Permit

HONIG incorporated SPIRIT OF ALOHA TEMPLE In **2007** as a **501(c)(3)** "**church**" and transferred WELL BEING INTERNATIONAL, INC.'S assets and business operations to SPIRIT OF ALOHA TEMPLE

In **2007**, HONIG and SPIRIT OF ALOHA TEMPLE applied for a State Land Use Commission Special Permit to operate the tourist wedding, retreat, and event venue, including a helicopter service, as **a "church"**

After the **2007** permit was DENIED, HONIG and SPIRIT OF ALOHA TEMPLE applied again in **2014**. The permit was again DENIED.

SPIRIT OF ALOHA TEMPLE/HONIG sued Maui County in **August 2014** for violations of RLUIPA and corollary constitutional claims:

RLUIPA

- Substantial Burden On Religious Practice
- Non-Discrimination Based On Religion
- Equal Terms

Constitutional

- Federal And State Constitutional Free Exercise
- Federal And State Constitiutional Equal Protection
- 1st Amendment Prior Restraint

PRE-TRIAL DEFENSES TO STRICT SCRUTINY

Denial of the State Land Use Commission Special Permit was the **least restrictive means** of furthering Maui County's **compelling interest** in protecting **public heath** and ensuring **pedestrian/traffic safety**

- Despite the complete **absence of potable water** on site, HONIG insisted it was his religious right to serve on-site well water to invitees, including the general public, contrary to the state department of health's complete prohibition on public consumption of the well water on the property
- **Haumana Road** is mostly a one-lane substandard agricultural road, with no outlet, no shoulders, no sidewalks, no streetlights, blind curves, and no place to turn around. Children play on the road and walk its length to a school bus stop at the intersection with the main Hana Highway
- Haumana Road is prone to **severe flooding** during heavy rain






TRIAL DEFENSE(S)

No substantial burden – religious practices are not prohibited in the agricultural zone

- HONIG acknowledged he is engaged in and is prepared to engage in religious practices and activities for as many as 1,200 members HONIG calls "close friends and family" – SPIRIT OF ALOHA TEMPLES's "Congregation"
- Includes prayer groups, group meditations, wedding ceremonies, memorial services, chanting, religious/spiritual initiations
- These activities were/are broadcast on SPIRIT OF ALOHA TEMPLE's internet webpage, FaceBook pages, and YouTube channel for the world
- **Commercial activity(ies) and operations are not protected religious practice(s)**

















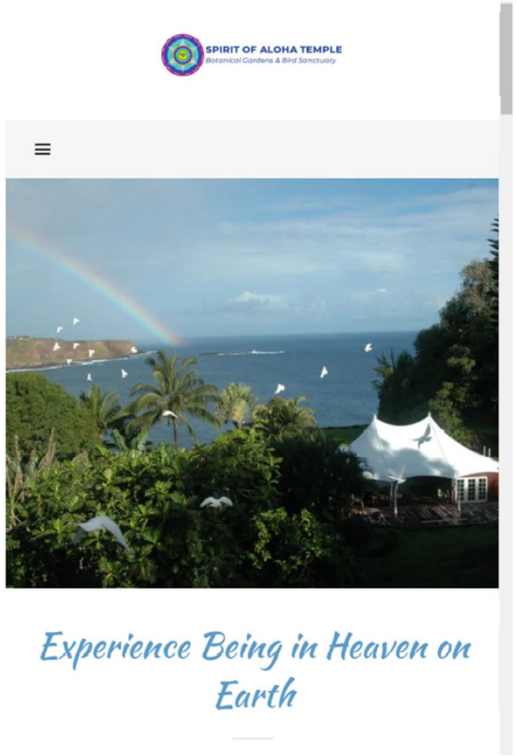




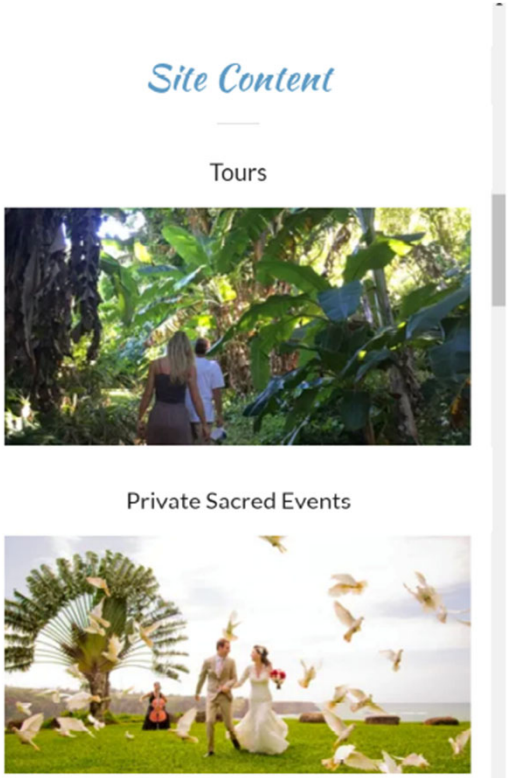




spiritofaloha.org







Special Events



- Ceremonial Gatherings
- Renewal of Vows
- Waterfall Baptisms
- Photo Sessions
- Marriage Proposals

Retreats



The perfect location for yoga and meditation retreats, The Gardens offers vast oceanfront views, jungle trails by the stream, waterfall meditation, and plenty of natural peace-filled beauty to explore.



CONTACT FOR DETAILS & EVENT BOOKING

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ORIGINAL

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SPIRIT OF ALOHA TEMPLE,	)	CIVIL NO. 14-00535 SOM/RLP
Plaintiff,	)	Verdict Form
vs.	)	
COUNTY OF MAUI,	)	
Defendant,	)	

FILED IN THE UNITED STATES DISTRICT COURT DISTRICT OF HAWAII
AUG 23 2019
at 3 o'clock and 48 min. P M.
SUE BEITIA, CLERK

Verdict Form

We the jury in the above entitled matter find (please mark appropriate blanks):

1) Has Plaintiff Spirit of Aloha Temple proved by a preponderance of the evidence that Spirit of Aloha Temple is a religious assembly or institution?

_____ Yes X No

If you answered "Yes" to Question 1, skip question 2 and go to Question 3. If you answered "No" to Question 1, go on to Question 2.

2) Has Defendant County of Maui proved by a preponderance of the evidence that Spirit of Aloha Temple is not a religious assembly or institution?

_____ Yes X No

Please note that your answers to Questions 1 and 2 cannot both be "Yes," but they may both be "No" (although they need not be). Go on to Question 3.

3) Has Plaintiff Spirit of Aloha Temple proved by a preponderance of the evidence that, with respect to accepted zoning criteria, Defendant County of Maui treated Plaintiff Spirit of Aloha Temple on less than equal terms as compared to the way the County of Maui treated a similarly situated nonreligious assembly or institution?

_____ Yes X No

If you answered "Yes" to Question 3, skip question 4 and sign and date this Verdict Form. If you answered "No" to Question 3, go on to Question 4.

4) Has Defendant County of Maui proved by a preponderance of the evidence that, with respect to accepted zoning criteria, it did not treat Plaintiff Spirit of Aloha Temple on less than equal terms as compared to the way the County of Maui treated a similarly situated nonreligious assembly or institution?

X Yes _____ No

Please note that your answers to Questions 3 and 4 cannot both be "Yes," but they may both be "No" (although they need not be). Please sign and date this verdict form.

James W. Lay Foreperson — Signature of Jury Foreperson

August 23, 2019 — Date

OCT 11 2023
at 2 o'clock and 30 min p
CLERK, U.S. DISTRICT CO

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SPIRIT OF ALOHA TEMPLE and FREDRICK R. HONIG,	)	CIVIL NO. 14-00535 SOM/RLP
Plaintiffs,	)	VERDICT FORM
vs.	)	
COUNTY OF MAUI,	)	
Defendant.	)	

VERDICT FORM

We the jury in the above entitled matter find (please mark appropriate blanks):

1) With respect to Count I (substantial burden on the exercise of religion claim under the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 2000cc(a)), has Plaintiff Spirit of Aloha Temple proven by a preponderance of the evidence that Defendant County of Maui substantially burdened Spirit of Aloha Temple's exercise of religion?

____ Yes X No

2) With respect to Count I (substantial burden on the exercise of religion claim under RLUIPA, 42 U.S.C. § 2000cc(a)), has Plaintiff Fredrick R. Honig, a.k.a. Swami Swaroopananda, proven by a preponderance of the evidence that Defendant County of Maui substantially burdened his exercise of religion?

____ Yes X No

3) With respect to Counts VI and VIII (free exercise of religion claims under the United States and Hawaii Constitutions), has Plaintiff Spirit of Aloha Temple proven by a preponderance of the evidence that Defendant County of Maui substantially burdened Spirit of Aloha Temple's free exercise of religion?

____ Yes X No

4) With respect to Counts VI and VIII (free exercise of religion claims under the United States and Hawaii Constitutions), has Plaintiff Fredrick R. Honig, a.k.a. Swami Swaroopananda, proven by a preponderance of the evidence that Defendant County of Maui substantially burdened his exercise of religion?

____ Yes X No

5) With respect to Count II (RLUIPA nondiscrimination claim under 42 U.S.C. § 2000cc(b)(2)), has Plaintiff Spirit of Aloha Temple proven by a preponderance of the evidence that Defendant County of Maui discriminated against Plaintiff Spirit of Aloha Temple based on religion?

____ Yes X No

6) With respect to Count II (RLUIPA nondiscrimination claim under 42 U.S.C. § 2000cc(b)(2)), has Defendant County of Maui proven by a preponderance of the evidence that it did not discriminate against Plaintiff Spirit of Aloha Temple based on religion?

X Yes ____ No

7) With respect to Counts VII and IX (equal protection claims under the United States and Hawaii Constitutions), has Plaintiff Spirit of Aloha Temple proven by a preponderance of the evidence that Defendant County of Maui discriminated against Spirit of Aloha Temple based on its religion?

____ Yes X No

8) With respect to Counts VII and IX (equal protection claims under the United States and Hawaii Constitutions), has Plaintiff Fredrick R. Honig, a.k.a. Swami Swaroopananda, proven by a preponderance of the evidence that Defendant County of Maui discriminated against him based on his religion?

____ Yes X No

Please have the foreperson sign and date this verdict form on the next page.

Dated: October 11, 2023.

Foreperson