RECKTENWALD, J., CONCURRING IN THE RESULT

I concur in the result reached by the majority. The circuit court, in dismissing the petition filed by petitioner/appellant-appellant Paulette Kaʻanohiokalani Kaleikini (Kaleikini), stated that Kaniakapupu v. Land Use Commission, 111 Hawaiʻi 124, 139 P.3d 712 (2006) required it to rule that it lacked jurisdiction under HRS chapter 91. I write separately to emphasize my view that the circuit court erroneously applied Kaniakapupu and therefore erred in dismissing Kaleikini's petition. In Kaniakapupu, the relevant administrative rules required that a hearing be held on the plaintiff's motion for an order to show cause, but the hearing did not constitute a contested case hearing. Id. at 132-34, 720-22. Additionally, this court recognized that there was no "procedural vehicle" for the plaintiff to obtain a contested case hearing on its motion for an order to show cause. Id. at 137, 139 P.3d at 725. Thus a contested case hearing was not "required by law." Id. In contrast, as set forth by the majority opinion, the relevant Hawaiʻi Administrative Rules and statutes provide for a contested case hearing in the instant context. Majority op. at 40. Finally, I believe that it is appropriate to consider this case under the public interest exception to the mootness doctrine in order to clarify the scope of the holding in Kaniakapupu. Accordingly, I concur in the result.