

*Renguul v. Airai State Pub. Lands Auth.*, 8 ROP Intrm. 323 (2001)

**THOMAS RENGUUL and  
ROMAN TMETUHL FAMILY TRUST,  
Appellants,**

v.

**AIRAI STATE PUBLIC LANDS AUTHORITY,  
Appellee.**

CIVIL APPEAL NO. 99-32  
Civil Action No. 255-97

Supreme Court, Appellate Division  
Republic of Palau

Decided: July 3, 2001

Counsel for Appellants: Johnson Toribiong

Counsel for Appellees: John K. Rechucher

BEFORE: LARRY W. MILLER, Associate Justice; ALEX R. MUNSON, Part-Time Associate Justice; DANIEL N. CADRA, Senior Judge, Land Court.

PER CURIAM:

Appellants have filed a petition for rehearing. *See* ROP R. App. Pro. 40(a). They contend that the Court erred in holding there was no quorum when the lease between ASPLA and Roman Tmetuchl was approved, that *res judicata* barred Appellants' claims for restitution, and that ASPLA raised the issue of the common law in trial court.

Petitions for rehearing should be granted exceedingly sparingly and only in those cases where the original decision obviously and demonstrably contains an error of fact or law that draws into question the result of the appeal. *Espangel v. Tirso*, 3 ROP Intrm. 282, 283 (1993). Appellants have not identified any facts not taken into account by the Court on appeal and have not presented **L324** any legal authority which casts doubt on the Court's rulings. *Croaff v. Evans*, 636 P.2d 131 (Ariz. Ct. App. 1981), and *Hannan v. Coppell*, 583 S.W.2d 817 (Tex. App. 1979), lend some support to Appellants' argument that a disqualification does not count toward the membership of a board when determining the number of members needed to act for the board. But these cases do not deal with quorums and are not the most pertinent authority. In addition, other cases have held that vacancies and disqualifications are not discounted from the membership of a board in deciding how many members must act for the board. *See East Poinsett County School Dist. No. 14 v. Massey*, 876 S.W.2d 573 (Ark. 1994); *Burnstein v. Morial*, 438 So. 2d 554 (La. 1983); *Smithtown v. Howell*, 292 N.E.2d 10 (N.Y. 1972); *Clark v. North Bay Village*, 54 So. 2d 240 (Fla. 1951); *Braddy v. Zych*, 702 S.W.2d 491 (Mo. Ct. App.

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1986). Thus the rule that “all members of the legislative body means all the members in esse and qualified to act,” *Hannan*, 583 S.W.2d at 818 (quotation omitted), is not so uniformly followed that the Court could not adopt a different rule.

Appellants have not demonstrated a need for rehearing. The petition is denied.