

ORIGINAL

DEPT. OF LABOR AND
INDUSTRIAL RELATIONS
DIRECTOR'S OFFICE

2014 APR -1 PM 3:43

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STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

2014 APR 17 AM 9:36
HAWAII LABOR
RELATIONS BOARD

In the Matter of)	CASE NO. OSH 2013-5
)	(Inspection No. 316267624)
DIRECTOR, DEPARTMENT OF LABOR)	
AND INDUSTRIAL RELATIONS,)	STIPULATION TO WITHDRAW
)	CITATION ISSUED ON FEBRUARY 19,
Complainant,)	2013; APPROVAL AND ORDER
)	
vs.)	
)	
MUNDEN DESIGN & BUILD,)	
)	
Respondent.)	
)	

STIPULATION TO WITHDRAW CITATION ISSUED ON FEBRUARY 19, 2013

This Stipulation to Withdraw Citation Issued on February 19, 2013, hereinafter referred to as "Stipulation") entered into by and between Complainant DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, (hereinafter referred to as "Director") and Respondent MUNDEN DESIGN & BUILD (hereinafter referred to as "Respondent") whose business address is 59-748 Amaumau Place, Haleiwa, Hawaii 96712; and

WHEREAS, on or about November 15, 2012, the Director, by and through the

State of Hawaii's Occupational Safety and Health Division ("HIOSH"), inspected a worksite located at 61-216 Kamehemeha Highway, Haleiwa, Hawaii, 96712;

WHEREAS, as a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty ("Citation") on February 19, 2013 to the Respondent alleging a violation of the Hawaii Occupational Safety and Health Standards and assessed a penalties totaling \$1,155.00, a copy of which is attached as Exhibit A; and .

WHEREAS, Respondent timely contested the Citation; and.

WHEREAS the parties hereto wish to avoid the expense of litigation and to compromise and settle the above-captioned case; and

NOW THEREFORE the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Hawaii Labor Relations Board has jurisdiction over this contested case pursuant to Section 396-11, Hawaii Revised Statutes ("HRS").
2. The Citation issued on February 19, 2013 against Respondent, including penalties totaling \$1,155.00, is withdrawn.
3. This Stipulation shall become a final order of the Director.
4. In consideration of the Director's withdrawal of the citation issued on February 19, 2013, Respondent, and its predecessors, parent corporations, holding companies, subsidiaries, affiliates, divisions, heirs, successors and assigns, and all of their officers, directors and employees, hereby release, waive, cancel, forgive and forever discharge any and all actions, claims, demands, damages, obligations, liabilities, controversies and executions, of any kind or nature whatsoever, whether known or unknown, whether suspected or not, which have arisen, or may have arisen, or shall arise against the Director or any of his employees or representatives,

relating to or resulting from the Inspection conducted on November 15, 2012 at the worksite located at 61-216 Kamehemeha Highway, Haleiwa, Hawaii, 96712, and/or the citation issued on February 19, 2013.

5. Upon approval of this Stipulation, all proceedings before the Board shall be dismissed.

DATED: Honolulu, Hawaii April 17, 2014.

APPROVED AS TO FORM:

MUNDEN DESIGN & BUILD



HOWARD GLICKSTEIN
Attorney for Respondent

By: 
Its OWNER.

APPROVED AS TO FORM:

DIRECTOR OF LABOR AND
INDUSTRIAL RELATIONS



J. GERARD LAM

~~LAWRENCE H. NAKANO~~

Deputy Attorney General
Attorney for Director, Department of
Labor and Industrial Relations, State of Hawaii


DWIGHT TAKAMINE

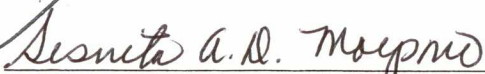
APPROVED AND SO ORDERED BY
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 571

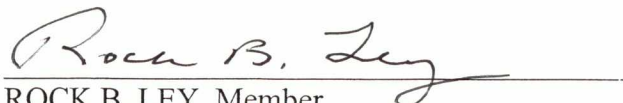
DATED: APRIL 17, 2014



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

Director, DLIR and Munden Design & Build, OSH 2013-5 (Insp. No. 316267624) – Stipulation to Withdraw
Citation Issued on February 19, 2013