

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CU-01-117
)	
MICHAEL L. LAST,)	ORDER NO. 1446
)	
Complainant,)	ORDER DENYING COMPLAINANT'S
)	MOTION TO ADMONISH ATTOR-
and)	NEY(S)
)	
UNITED PUBLIC WORKERS, AFSCME,)	
LOCAL 646, AFL-CIO,)	
)	
Respondent.)	
)	

ORDER DENYING COMPLAINANT'S MOTION TO ADMONISH ATTORNEY(S)

On May 13, 1996, Complainant MICHAEL L. LAST (LAST) filed a motion to admonish Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO's (UPW or Union) attorney(s), with the Hawaii Labor Relations Board (Board). LAST alleges that UPW's attorney(s) violated Administrative Rules § 12-42-8(a)(5)¹ when they filed with the Board a Supplemental Submission in Support of its Motion to Award Respondent Attorney's Fees. LAST contends that Respondent never filed a motion for attorney's fees in the instant case and

¹Administrative Rules § 12-42-8(a)(5), states as follows:

All papers must be signed in ink by the party or the party's duly authorized representative or attorney. The signature of the person signing the document constitutes a certification that such person has read the document; that to the best of such person's knowledge, information, and belief every statement contained in the instrument is true and correct and no such statements are misleading; and that the document is not interposed for delay.

that Respondent's attorneys therefore falsely certified their representations to the Board.

Previously, on April 11, 1996, the Board issued Order No. 1318 granting UPW's motion to dismiss complaint in the instant case.

On May 6, 1996, Respondent UPW submitted a Supplemental Submission in Support of its Motion to Award Respondent Attorney's fees to the Board. Later that day, the UPW filed a withdrawal of its Supplemental Submission in Support of its Motion to Award Respondent Attorney's Fees with the Board.

On May 7, 1996, the Board issued Order No. 1327 granting UPW's withdrawal of the supplemental submission. In its order, the Board stated as follows:

Although counsel for UPW does not indicate the reason for the withdrawal, the Board takes notice that the UPW did not file a motion for attorney's fees in the instant case and it appears that the filing of the Supplemental Submission was inadvertent. Thus, the Board hereby grants the withdrawal of the UPW's Supplemental Submission.

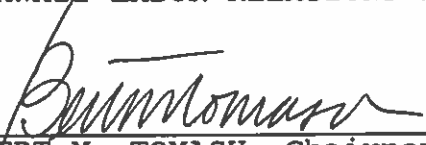
Based upon the record, the Board finds that UPW's filing of the Supplemental Submission was inadvertent inasmuch as there was no pending motion for fees before the Board and no prejudice resulted to Complainant because the submission was withdrawn on the same date. Thus, the Board finds that Complainant failed to prove that Respondent violated Administrative Rules § 12-42-8(a)(5) by filing its Supplemental Submission.

Accordingly, the Board hereby denies LAST's motion to admonish Respondent's attorney(s).

MICHAEL L. LAST and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646,
AFL-CIO; CASE NO. CU-01-117
ORDER NO. 1446
ORDER DENYING COMPLAINANT'S MOTION TO ADMONISH ATTORNEY(S)

DATED: Honolulu, Hawaii, April 23, 1997.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member


CHESTER C. KUNITAKE, Board Member

Copies sent to:

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