

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)
JOHN MUSSACK,)
)
Complainant,)
)
and)
)
MICHAEL HARANO, Principal, Kailua)
Elementary School, Department of Education,)
State of Hawaii,)
)
Respondent.)

CASE NO. CE-05-482
ORDER NO. 2092
ORDER DENYING COMPLAINANT'S
MOTION TO ORDER RESPONDENT
HSTA TO SERVE

In the Matter of)
JOHN MUSSACK,)
)
Complainant,)
)
and)
)
MICHAEL HARANO, Principal, Kailua)
Elementary School, Department of Education,)
State of Hawaii,)
)
Respondent.)

CASE NO. CE-05-483

In the Matter of)
JOHN MUSSACK,)
)
Complainant,)
)
and)
)
LEA ALBERT, District Superintendent,)
Windward District Office, Department of)
Education, State of Hawaii,)
)
Respondent.)

CASE NO. CE-05-484

In the Matter of)
JOHN MUSSACK,)

CASE NO. CU-05-190

Complainant,)
)
 and)
)
 HAWAII STATE TEACHERS)
 ASSOCIATION,)
)
 Respondent.)

**ORDER DENYING COMPLAINANT'S
MOTION TO ORDER RESPONDENT HSTA TO SERVE**

On June 3, 2002, Complainant JOHN MUSSACK (MUSSACK) filed a Memorandum and Motion to Order Respondent to Serve with the Hawaii Labor Relations Board (Board). MUSSACK alleges that Respondent HAWAII STATE TEACHERS ASSOCIATION (HSTA) filed a Post-Hearing Brief on May 30, 2002 which includes references to the transcript of the proceedings in this case without a description of the testimony. MUSSACK therefore moved the Board to order the HSTA to provide the transcript and have it entered into the record.

Thereafter on June 4, 2002, Respondent filed the Affidavit of Counsel who objects to MUSSACK's motion on the grounds that Complainant had an opportunity to obtain a copy of the transcript from the court reporter; that prior to the hearing, Respondent offered to share the cost of the court reporting service with Complainant, but Complainant declined the offer; Respondent arranged for the court reporter at its own expense and is prohibited under Hawaii Revised Statutes Chapter 606 from making a copy of the transcript and giving it to Complainant; and there is no rule or statute which requires Respondent to provide Complainant with a transcript or portion thereof.

After considering the arguments and the record in this case, the Board finds merit in Respondent's arguments and hereby denies Complainant's instant motion to provide and serve the referenced transcripts on Complainant. Respondent's citation to the transcript of the hearing in its Post-Hearing Brief does not obligate it to provide the transcript to the Complainant.

DATED: Honolulu, Hawaii, June 12, 2002.

HAWAII LABOR RELATIONS BOARD

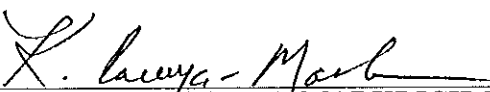


 BRIAN K. NAKAMURA, Chair

JOHN MUSSACK v. MICHAEL HARANO
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SERVE



CHESTER C. KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

John Mussack
Vernon Yu, Esq.
Francis Paul Keeno, Deputy Attorney General
Joyce Najita, IRC