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**Transaction ID 56990108**  
**Case No. CE-05-852**

Attorney for Complainant  
HAWAII STATE TEACHERS ASSOCIATION

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

HAWAII STATE TEACHERS	)	CASE NO. CE-05-852
ASSOCIATION,	)	
	)	<b>STIPULATION FOR TEMPORARY</b>
Complainant,	)	<b>RESTRAINING ORDER; ORDER</b>
	)	
and	)	ORDER NO. 3057
	)	
STATE OF HAWAII BOARD OF	)	
EDUCATION, Department of Education,	)	
State of Hawaii, and KATHRYN	)	
MATAYOSHI, Superintendent,	)	
Department of Education, State of Hawaii,	)	
	)	
Respondents.	)	
	)	

**STIPULATION FOR TEMPORARY RESTRAINING ORDER**

IT IS HEREBY STIPULATED BY AND BETWEEN Complainant HAWAII  
STATE TEACHERS ASSOCIATION ("HSTA") and the Respondents, STATE OF HAWAII  
BOARD OF EDUCATION and KATHRYN MATAYOSHI, Superintendent Department of  
Education, State of Hawaii (collectively "Respondents"), by and through their attorneys, Colleen

Hanabusa for the HSTA and Russell A. Suzuki, Deputy Attorney General for the Respondents as follows:

WHEREAS, on March 23, 2015, the HSTA filed a prohibited practice complaint against Respondents, Case No. CE-05-852 with the HAWAII LABOR RELATIONS BOARD ("HLRB");

WHEREAS, Respondents were given ten (10) days in which to file a written answer to said complaint;

WHEREAS, the HLRB has set a Prehearing and Settlement Conference for Thursday, April 28, 2015 at 9:00AM;

WHEREAS, the issue of the prohibited practice complaint is use of teachers' mailboxes in the upcoming election, set for ballots to be transmitted on April 13, 2015 with voting closing on April 24, 2015;

WHEREAS, the HSTA elections are conducted once every three (3) years;

WHEREAS, the election will be closed prior to the Case No. CE-05-852 receiving a Prehearing and Settlement Conference;

WHEREAS, the parties agree that the use of teachers' mailboxes for union election purposes has been allowed for forty-three (43) years;

WHEREAS, the parties agree that Respondents are complying with the Hawaii State Ethics Commission's Executive Director's informal Advisory Letter in disallowing the use of the teachers' mailboxes for this election;

WHEREAS, the HSTA takes issue with the Ethics Commission's Executive Director's informal Advisory Letter, however, the matter cannot be timely decided on the merits by the HLRB;

WHEREAS, the parties agree that in the interest of justice and fair play, it is in their interest to permit the 2015 elections to proceed maintaining the status quo of permitting the use of teachers' mailboxes for the dissemination of campaign materials for the union election:

WHEREAS, the parties agree that by the filing of the prohibited practice complaint, they are engaged in a contested case hearing; and

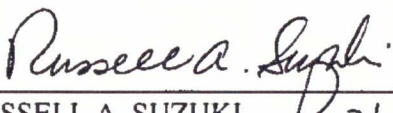
WHEREAS, the parties call upon *HRS § 91-9(d)* which permits them by stipulation to modify or waive and procedure in a contested case. The parties so stipulate and agree that the HLRB should approve this Stipulation and grant this Temporary Restraining Order.

NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE that a temporary restraining order be issued, enjoining Respondents and their agents, employees, attorneys, from prohibiting Complainant and its members from utilizing the teachers' school mailboxes for the purposes of disseminating HSTA candidate campaign information for the upcoming HSTA union elections.

IT IS FURTHER STIPULATED AND AGREED that this temporary restraining order be in effect until April 24, 2015.

IN ADDITION, THE PARTIES STIPULATE AND AGREE that they will jointly request that the HLRB stay action on this prohibited practice complaint until such time that the Hawaii State Ethics Commission can consider the informal Advisory Letter of March 12, 2015, issue by its Executive Director.

ON THIS 27<sup>th</sup> day of March, 2015, the parties through their respective attorneys have entered in this Stipulation for Temporary Restraining Order and respectfully request the HAWAII LABOR RELATIONS BOARD, expeditiously approve this Stipulation As To Form and Order that Respondents are enjoined from prohibiting Complainant and its members from using teachers' mailboxes for the dissemination of campaign materials for the HSTA union elections until April 24, 2015.

  
RUSSELL A. SUZUKI  
Deputy Attorney General  
Attorney for Respondents  
3/26/2015

  
COLLEEN W. HANABUSA  
Attorney for Complainant  
3/26/15

**APPROVED AS TO FORM AND ORDER**

**HAWAII LABOR RELATIONS BOARD**

ORDER NO. 3057

DATED: March 27, 2015

  
JAMES B. NICHOLSON, CHAIR

  
SESNITA A.D. MOEPONO, MEMBER

  
ROCK B. LEY, MEMBER