

order

STATE OF HAWAII

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	)	CASE NO. CE-13-88
	)	
REGINALD P. GAGE, II,	)	ORDER NO. 516
	)	
Complainant,	)	ORDER GRANTING MOTION FOR
	)	EXTENSION OF TIME AND MOTION
and	)	FOR PARTICULARIZATION
	)	
TONY T. KUNIMURA, Mayor of the	)	
County of Kauai,	)	
	)	
Respondent.	)	
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ORDER GRANTING MOTION FOR EXTENSION OF TIME AND MOTION FOR PARTICULARIZATION

On October 4, 1984, Respondent TONY T. KUNIMURA [hereinafter referred to as KUNIMURA], through his attorney, filed an Ex Parte Motion for Two-Day Extension of Time for Filing Motion for Particularization, with a supporting affidavit, with this Board. The affidavit indicates that through inadvertence, Respondent's Motion for Particularization was not filed within the time period provided for. The Board is convinced that Affiant's oversight was due to his work schedule and not to delay these proceedings. Good cause appearing therefore, the Board hereby grants Respondent's motion for an extension of time within which to file his Motion for Particularization.

Also, on October 4, 1984, Respondent KUNIMURA, by his attorney, filed a Motion for Particularization of Complaint. The motion requests particularization of the complaint as to:

1. The person(s), employed by the County of Kauai, against whom the charges of the instant Complaint are directed, i.e., the specific respondent(s);

2. The agency(ies) of the County of Kauai against which the charges of the instant Complaint are directed, i.e., the specific respondent(s);

3. The specific acts committed by respondents which Complainant believes establish a prohibited practice by respondent(s); and

4. The specific provision(s) of Chapter 89, Hawaii Revised Statutes, which was (were) violated by said acts of respondent(s).

Upon review of Respondent's motion and supporting affidavit and the Prohibited Practice Complaint filed in this case, the Board, pursuant to Administrative Rules § 12-42-45(b), hereby grants Respondent's motion, in part.

The Board directs Complainant to file with this Board the original and five (5) copies of the particularization, with proof of service upon Respondent, no later than 4:30 p.m. of the fifth working day after service of this order. The Particularization should specify:

1. the persons, employed by the County of Kauai, whom Complainant alleges committed the specific acts complained of in the complaint;

2. the specific acts committed by the above-referenced individuals which Complainant believes establish a prohibited practice; and

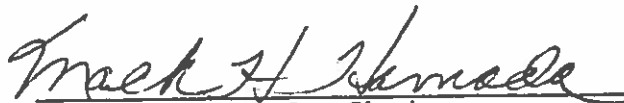
3. the specific provisions of Chapter 89, Hawaii Revised Statutes, which are alleged to have been violated.


If Complainant fails to timely file and serve the Particularization, the Board shall dismiss the subject Prohibited Practice Complaint.

Respondent is directed to file with this Board the original and five (5) copies of the Answer, with proof of service upon Complainant, no later than 4:30 p.m. of the fifth working day after the service of Complainant's Particularization. The failure of Respondent to timely file its answer shall constitute an admission of the material facts alleged in the Complaint and Particularization and a waiver of a hearing.

DATED: Honolulu, Hawaii, October 17, 1984.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

  
MACK H. HAMADA, Chairperson

  
JAMES K. CLARK, Board Member

  
JAMES R. CARRAS, Board Member

Copies sent to:

Warren Perry, Esq.  
Reginald P. Gage, II  
Joyce Najita, IRC