

STATE OF HAWAI'I
HAWAI'I LABOR RELATIONS BOARD

In the Matter of

STATE OF HAWAII ORGANIZATION
OF POLICE OFFICERS,

Complainant,

and

MICHAEL P. VICTORINO, Mayor,
County of Maui and TIVOLI FAAUMU,
Chief of Police, Maui Police Department,
County of Maui,

Respondents.

CASE NO. CE-12-823

ORDER NO. 3481

ORDER GRANTING COMPLAINANT
STATE OF HAWAII ORGANIZATION
OF POLICE OFFICERS' MOTION TO
WITHDRAW PROHIBITED PRACTICE
COMPLAINT FILED ON MAY 22, 2013

**ORDER GRANTING COMPLAINANT STATE OF HAWAII
ORGANIZATION OF POLICE OFFICERS' MOTION TO
WITHDRAW PROHIBITED PRACTICE COMPLAINT FILED ON MAY 22, 2013**

On May 22, 2013, Complainant STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS (SHOPO) filed a Prohibited Practice Complaint (Complaint) against MICHAEL P. VICTORINO, Mayor, County of Maui and TIVOLI FAAUMU, Chief of Police, Maui Police Department, County of Maui (collectively Respondents)¹ with the Hawai'i Labor Relations Board (Board)

On April 11, 2019, SHOPO filed Complainant State of Hawai'i Organization of Police Officers' Motion to Withdraw Prohibited Practice Complaint Filed on May 22, 2013 (Motion to Withdraw). That same day, Respondents filed Respondents' No Opposition to Complainant State of Hawaii Organization of Police Officers' Motion to Withdraw Prohibited Practice Complaint Filed on May 22, 2013.

Based on the foregoing, the Board grants the Motion to Withdraw. The case is closed.

SHOPO v. Victorino, et al.

Case No. CE-12-823

Order Granting Complainant State of Hawaii Organization of Police Officers' Motion to Withdraw Prohibited Practice Complaint filed on May 22, 2013

Order No. 3481

DATED: Honolulu, Hawai'i, April 11, 2019.

HAWAI'I LABOR RELATIONS BOARD



Marcus R. Oshiro

MARCUS R. OSHIRO, Chair

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

J.N. Musto

J.N. MUSTO, Member

Copies sent to:

Keani Alapa, Esq.

Thomas Kolbe, Deputy Corporation Counsel

ⁱ The named Respondents in the prohibited practice complaint were Alan Arakawa, Mayor, County of Maui (Arakawa), and Gary Yabuta, Chief of Police, Maui Police Department, County of Maui (Yabuta). When the Board's administrative rules are silent on procedural matters, the Board has looked to analogous provisions of the Rules of Court. Ballera v. Del Monte Fresh Produce Hawai'i, Inc., Board Case No. 00-1(CE), Order No. 1978, at *5 (January 11, 2001). Under Hawai'i Rules of Civil Procedure Rule 25(d)(1), when a public officer is a party to an action in an official capacity and while that action is pending, the public officer dies, resigns, or otherwise ceases to hold office, the officer's successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer that does not affect the substantive rights of the parties shall be disregarded. Accordingly, the current Mayor, County of Maui, Michael P. Victorino, and the current Chief of Police, Maui Police Department, County of Maui, Tivoli Faamu, are substituted for Arakawa and Yabuta as parties to this proceeding.