

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

JOSEPH H. CAMPOS II, Ph.D.

Complainant,

and

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY,

Respondent.

CASE NOS. 19-CU-07-374

ORDER NO. 3729

MINUTE ORDER DIRECTING
RESPONDENT TO SUBMIT PROPOSED
FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND DECISION AND ORDER IN
THIS MATTER

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PROPOSED FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND DECISION AND ORDER IN THIS MATTER**

On July 1, 2019, JOSEPH H. CAMPOS II, Ph.D. (Complainant or Campos), *pro se*, filed a Prohibited Practice Complaint (PPC) against Respondent the UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (UHPA) citing violations of Hawaii Revised Statutes (HRS) §89-13, with HAWAII LABOR RELATIONS BOARD (HLRB or Board).

On July 3, 2019, the Board filed Order No. 3533, PRETRIAL ORDER AND NOTICES, et al.

On July 16, 2019 a Prehearing Conference was held in the HLRB Hearing Room; the Complainant was a self-represented litigant and UHPA was represented by David Sgan, Esq.

On July 21, 2019, UHPA filed Respondent University of Hawaii Professional Assembly's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment: Memorandum in Support of Motion; Exhibits "1"- "6"; Declaration of Christian Fern.

On August 1, 2019, the Hearing on Merits commenced with the Complainant's presentation of his case-in-chief, calling witnesses and entering exhibits into the record.

On August 8, 2019, the Complainant rested his case-in-chief. UHPA rested without calling any witnesses, and restated the July 21, 2019 Motion to Dismiss, or in the Alternative, Motion for Summary Judgement. Following which, Compos gave an oral closing statement. The Board took the matter under advisement.

After a review of the pleadings, the exhibits, the record of HOM, and the arguments of the parties, pursuant to HRS § 91-11,¹ the Board enters the following order and decision.

1. The Board finds that Complainant failed to carry the burden of proof necessary to sustain the PPC filed in the above-reference matter.
2. The Board grants the July 21, 2019 Respondent University of Hawaii Professional Assembly Motion for Directed Verdict, or in the Alternative, Motion for Summary Judgment.

Hawaii Administrative Rules (HAR) § 12-42-8(g)(17)(C) provides that the “[**B**]oard may **direct** oral argument or the filing of briefs or **proposed findings of facts, conclusions of law, or both**, when it deems the submission of briefs or proposed findings, or both, is warranted by the nature of the proceeding or the particular issues therein” (emphases added).

Accordingly, this minute order directs the Respondent University of Hawaii Professional Assembly Motion to submit to the Board proposed findings of fact, conclusions of law, and decision and order, incorporating the Board's oral rulings in this matter and providing findings of fact and conclusions of law pertinent to the Board's oral rulings. The Respondent shall submit the proposed findings of fact, conclusions of law, and decision and order to the Board with a copy to Complainant no later than **the close of business at 4:30 pm on Friday, May 14, 2021**.

The Board further notifies the parties that after May 14, 2021, the Board will issue its own Proposed Findings of Fact, Conclusions of Law, and Decision and Order which may or may not incorporate all, some, or none of Respondent's submission. However, following the Board's issuance, any party adversely affected will thereafter be given the opportunity to file exceptions thereto and to present argument to the Board, in accordance with the provisions of HRS § 91-11.

DATED: Honolulu, Hawai'i, _____ April 1, 2021 _____.

HAWAI'I LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEPONO, Member

J N. MUSTO, Member

Copies sent to:

Joseph H. Campos II, Ph.D., *pro se*

David Sgan, Esq.

ⁱ HRS § 91-11 states:

§91-11 Examination of evidence by agency. Whenever in a contested case the officials of the agency who are to render the final decision have not heard and examined all of the evidence, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision containing a statement of reasons and including determination of each issue of fact or law necessary to the proposed decision has been served upon the parties, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the officials who are to render the decision, who shall personally consider the whole record or such portions thereof as may be cited by the parties.