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August 11, 2005

Tom Brown
Mass Transit Agency
25 Aupuni Street
Hilo, Hawai'i 96720

Dear Mr. Brown:

Re: Notice for Revocation of Certificates
Corporation Counsel WRK 05-10417

At the Transportation Commission meeting on August 8, 2005, there were several cases on the agenda for revocation of certificates. Some of the actions were deferred because the individuals holding the certificates had not received notice of the hearing. I believe the agency attempted to give notice by certified mail but these certain individuals refused to pick up the mail.

These hearings are governed by Chapter 91, Hawai'i Revised Statutes ("HRS"), on administrative procedures. Section 91-9.5, HRS, provides that parties are to be given notice of the hearing by registered or certified mail with return receipt requested at least fifteen days before the hearing. If service by mail is not made because of the refusal to accept service, the notice of hearing may be given to the party by publication at least once in each of two successive weeks in a newspaper of general circulation. The last published notice must appear at least fifteen days prior to the date of the hearing. If there are situations where the agency does not know the address of the party and service by mail cannot be made because of that reason, the notice may be given by publication but only after "reasonable and diligent inquiry" in an attempt to ascertain the address of the party.

Please let me know if you have any questions regarding this procedure.

Sincerely,

PATRICIA K. O'TOOLE
Deputy Corporation Counsel

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