



DEPT. OF COMMERCE AND CONSUMER AFFAIRS

2004 JAN -8 A 11:24

HEARINGS OFFICE

OFFICE OF ADMINISTRATIVE HEARINGS  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
STATE OF HAWAII

In the Matter of )  
 )  
 ) L, by and through )  
 his parents, ) and )  
 )  
 ) Petitioners, )  
 )  
 ) vs. )  
 )  
 ) DEPARTMENT OF EDUCATION, )  
 ) STATE OF HAWAII, )  
 )  
 ) Respondent. )

DOE-2003-076

HEARINGS OFFICER'S  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND DECISION

HEARINGS OFFICER'S FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND DECISION

Legend:

- TT-
- M.
- R1

## I. FINDINGS OF FACT

1. On or about June 30, 2003, a Request for Impartial Hearing was filed on behalf of TT, by and through his parents, MT and RT ("Petitioners"). The request was transmitted to the Office of Administrative Hearings and a Notice of Hearing and Pre-Hearing Conference was issued to the parties on July 2, 2003.

2. Thereafter, Petitioners' attorney requested that the hearing be removed from the calendar pending settlement discussions.

3. Having failed to hear from the parties on the disposition of the case, the Hearings Officer issued an Order to Show Cause why this matter should not be dismissed, on August 25, 2003.

4. On September 8, 2003, a Withdrawal and Substitution of Counsel for Petitioner was filed in this matter.

5. On November 7, 2003, TT turned 18 years of age.

6. On December 10, 2003, Respondent filed a motion to dismiss request for impartial hearing. A memorandum in opposition to the motion was filed by Petitioners on December 15, 2003.

7. On December 17, 2003, the Hearings Officer issued an Order Regarding Respondent's Motion to Dismiss Request for Impartial Hearing. The order provided as follows:

[TT] shall file an ex parte motion for substitution of party on or before December 29, 2003. The motion shall be supported by an affidavit or declaration from Travis attesting to the following:

- a. That he has retained counsel to represent him in this proceeding;
- b. That he understands that having reached the age of majority, all rights accorded to his parents have transferred to him;
- c. That he has reviewed and understands the allegations set forth in the Request for Impartial Hearing ("request") filed by his parents on or about June 26, 2003, as well as the statement of issues filed by Petitioners' counsel on December 4, 2003;
- d. That he (1) affirms that the allegations requested relief set forth in the request and the statement of issues are true and correct and as such, (2) ratifies and otherwise adopts those allegations, requested relief and statement as his own; and
- e. That he is prepared and competent to proceed with the hearing in this matter and to assist his attorney in that regard.

A final ruling on this motion shall be issued following the submission of the foregoing ex parte motion.

