

NO. 28200

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CALVIN K. KAWAMOTO, Appellant-Appellant, v.
CAMPAIGN SPENDING COMMISSION, PAUL KURAMOTO, STEVEN E.
OLBRICH and GINO L. CABRIO, Appellees-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIV. NO. 06-1-1113)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding Judge, Nakamura and Fujise, JJ.)

Appellant-Appellant Calvin K. Kawamoto (Kawamoto) appeals from the "Judgment in Favor of Appellees Campaign Spending Commission, Paul T. Kuramoto, Steven E. Olbrich and Gino L. Gabrio and Against Appellant Calvin K. Kawamoto" (Judgment) entered on September 19, 2006 in the Circuit Court of the First Circuit (circuit court).^{1/}

Kawamoto's Opening Brief fails to comply with Hawaii Rules of Appellate Procedure (HRAP) Rule 28(b)(3), (4), and (7) in that it fails to include:

(3) A concise statement of the case, setting forth the nature of the case, the course and disposition of proceedings in the court or agency appealed from, and the facts material to consideration of the questions and points presented, with record references supporting each statement of fact or mention of court or agency proceedings. In presenting those material facts, all supporting and contradictory evidence shall be presented in summary fashion, with appropriate record references.

(4) A concise statement of the points of error set forth in separately numbered paragraphs. Each point shall state: (i) the alleged error committed by the court or agency; (ii) where in the record the alleged error occurred; and (iii) where in the record the alleged error was objected to or the manner in which the alleged error was brought to the attention of the court or agency.

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^{1/} The Honorable Eden Elizabeth Hifo presided.

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(7) The argument, containing the contentions of the appellant on the points presented and the reasons therefor, with citations to the authorities, statutes and parts of the record relied on.

Kawamoto's wholesale non-compliance with HRAP Rule 28(b) itself merits affirmation of the judgment. Regardless, we will consider the merits of the appeal, of which there are none.

Following a Campaign Spending Commission (CSC) audit of Kawamoto's campaign spending reports, the CSC staff prepared a complaint against Kawamoto that alleged violations of various campaign spending laws and sent a copy to Kawamoto. Kawamoto was advised that he could provide a response to the complaint. The CSC met on August 18, 2005. Kawamoto was present and addressed the CSC. The CSC voted to refer the matter to the Attorney General and issued a Decision and Order Referring Complaint to the Attorney General for Investigation for Criminal Prosecution (Order). Almost one year later -- on June 28, 2006 -- Kawamoto appealed the Order to the circuit court. On July 21, 2006, the CSC filed a motion to dismiss the notice of appeal, arguing that the circuit court was divested of jurisdiction until after the CSC had made a final determination and Kawamoto lacked standing to bring the appeal as his claims were not ripe for adjudication. The circuit court granted CSC's motion, and on September 19, 2006, the court dismissed Kawamoto's appeal.

The circuit court entered its judgment on September 19, 2006, and Kawamoto timely appealed.

The Order was not an appealable order under Hawaii Revised Statutes § 91-14 (1993 & Supp. 2006) (judicial review of contested cases). See Aha Hui Malama O Kaniakapupu v. Land Use Comm'n, 111 Hawai'i 124, 139 P.3d 712 (2006).

Therefore,

The "Judgment in Favor of Appellees Campaign Spending Commission, Paul T. Kuramoto, Steven E. Olbrich and Gino L.

Gabrio and Against Appellant Calvin K. Kawamoto" entered on September 19, 2006 in the Circuit Court of the First Circuit is affirmed.


DATED: Honolulu, Hawai'i, August 31, 2007.

On the briefs:

Roy A. Kawamoto
for Appellant-Appellant.

Russell A. Suzuki and
Robyn B. Chun,
Deputy Attorneys General,
for Appellees-Appellees.


Presiding Judge


Associate Judge


Associate Judge