

**Electronically Filed
Supreme Court
SCPW-12-0000968
10-JAN-2013
10:45 AM**

SCPW-12-0000968

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

NATHAN H. SUZUKI, Petitioner,

vs.

BOARD OF PUBLIC ACCOUNTANCY; DEPARTMENT OF COMMERCE
AND CONSUMER AFFAIRS OF THE STATE OF HAWAI'I, Respondents.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Nakayama, Acting C.J., Acoba, McKenna, and Pollack, JJ., and
Circuit Judge Browning, in place of Recktenwald, C.J., recused)

Upon consideration of petitioner Nathan H. Suzuki's
petition for a writ of mandamus, filed on November 1, 2012, and
the documents attached thereto and submitted in support thereof,
it appears that petitioner is not entitled to mandamus relief.
Petitioner has failed to demonstrate that the Board of Public
Accountancy and/or the Department of Commerce and Consumer
Affairs are not performing duties that are owed to him.
Moreover, petitioner can seek further review in the circuit court
and the appellate court, as appropriate. See Kema v. Gaddis, 91
Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (1999) (A writ of
mandamus is an extraordinary remedy that will not issue unless

the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action); State ex rel. Marsland v. Ames, 71 Haw. 304, 306, 788 P.2d 1281, 1283 (1990) (a writ of mandamus "may not be used to perform the office of an appeal"); Barnett v. Broderick, 84 Hawai'i 109, 111, 929 P.2d 1359, 1361 (1996) (mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available). Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, January 10, 2013.

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ R. Mark Browning

