

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JERAD DEAN MYERS, Petitioner-Appellant,

vs.

ADMINISTRATIVE DIRECTOR OF THE COURTS,
Respondent-Appellee.

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(Original Case No. 00-03344)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Ramil, JJ.,
and Acoba, J., Concurring separately)

The petitioner-appellant Jerad Dean Myers appeals from the judgment of the district court of the first circuit, the Honorable I. Norman Lewis presiding, filed on April 6, 2001, affirming the administrative revocation of his driver's license. On appeal Myers argues that the district court erred in: (1) holding that he was not denied his state and federal constitutional rights to a public hearing on the basis that attendees at administrative driver's license revocation office (ADLRO) hearings are required to sign in with identification; (2) holding that he had not been denied his state and federal constitutional rights to due process of law on the basis that Hawai'i Revised Statutes (HRS) Chapter 286, Part XIV (1993 and Supp. 2000) does not provide for a specific procedure at an ADLRO hearing; and (3) holding that the intoxilyzer supervisor's sworn statement complied with the requirements of HRS § 286-257(a)(2)(c) (Supp. 2000) on the basis that it did not specifically state that the machine was "properly maintained."

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties,¹ we affirm the judgment of the district court. First, assuming, arguendo, that Myers has standing to assert the public's right to attend his hearing and that an ADLRO hearing is a "public" hearing, a sign-in requirement does not infringe the public's right of access and is a reasonable security measure. Second, Myers's ADLRO hearing satisfied due process. See Desmond v. Administrative Director of the Courts, 91 Hawai'i 212, 216, 982 P.2d 346, 350-55 (App. 1998), rev'd on other grounds, 90 Haw. 301, 978 P.2d 739 (1999). Third, the intoxilyzer supervisor's sworn statement complied with the requirements of HRS § 286-257(a)(2)(C). See Park v. Tanaka, 75 Hawai'i 271, 279, 859 P.2d 917, 921 (1993). Therefore,

IT IS HEREBY ORDERED that the judgment from which the appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, July 9, 2002.

Earl A. Partington, for the
petitioner-appellant,
Jerad Dean Myers

Girard D. Lau (Deputy
Attorney General), for
the respondent-appellee,
Administrative Director
of the Courts

¹ Oral argument in this case was held on July 3, 2002.