

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 24633

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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RAYMOND MINER, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

---

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT  
(CR. NO. AR2001-01)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Petitioner-appellant Raymond K. Miner appeals from the June 9, 2001 judgment of the district court of the fifth circuit, the Honorable Trudy K. Senda presiding, affirming the administrative revocation of Miner's license by the Administrative Director of the Courts, State of Hawai'i. On appeal, Miner argues that the district court erred by affirming the revocation of Miner's driver's license because the legislature did not "intend an open-ended prior conviction period[.]"

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, we hold that the district court did not err by affirming the hearing officer's revocation of Miner's driver's license, inasmuch as the definition of "alcohol enforcement contact" unambiguously provides three alternative grounds for determining whether Miner had a prior alcohol enforcement contact within five years of his December 14, 2000 arrest. HRS § 286-251 (Supp. 1999); cf. Spock v. Admin. Dir. of Courts, 96 Hawai'i 190, 193, 29 P.3d 380, 383 (2001). Thus, because the date of a prior driving under the

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influence (DUI) conviction is one of the three alternative grounds, the hearing officer could use Miner's January 25, 1996 DUI conviction to determine whether Miner had an alcohol enforcement contact within five years of Miner's December 14, 2000 arrest for DUI. Therefore,

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

DATED: Honolulu, Hawai'i, August 19, 2004.

On the briefs:

John H. Murphy  
for the petitioner-appellant  
Raymond Miner

Girard D. Lau,  
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Administrative Director of the  
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