

IN THE SUPREME COURT OF THE STATE OF HAWAII

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RGIS INVENTORY SPECIALIST, Appellant-Appellee

vs.

HAWAII CIVIL RIGHTS COMMISSION, Appellee-Appellant

NO. 25679

ORDER OF AMENDMENT
(CIV. NO. 02-1-1703)

APRIL 27, 2004

MOON, C.J., LEVINSON, NAKAYAMA, ACOBA, AND DUFFY, JJ.

The opinion of the court, filed on March 17, 2004, is hereby amended as follows. On page 12, the final paragraph (following the heading "IV. Conclusion") is amended to read (deleted material is bracketed and new material is double underscored):

Based on the foregoing, we agree [affirm], albeit on different grounds, with the circuit court's [order to the extent that the court] determination[ed] that HCRC did not have jurisdiction to hear the Executive Director's Petition. We therefore affirm [vacate] the circuit court's final judgment entered on February 10, 2003[order in all other respects]. We also hold that HAR § 12-46-61 is invalid to the extent that it permits the Executive Director to petition HCRC for a declaratory order.

*** * * FOR PUBLICATION * * ***

The Clerk of the Court is instructed to incorporate the foregoing changes in the original opinion and take all necessary steps to notify the publishing agencies of these changes.