

NO. 28135

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

In the Matter of KUMIKO S. BRANDON  
to Answer a Complaint and Summons Regarding  
an Alleged Violation of the State Motor Carrier Law

APPEAL FROM THE PUBLIC UTILITIES COMMISSION  
(Citation No. 0713)

ORDER DISMISSING APPEAL

(By: Burns, C.J., Lim and Watanabe, JJ.)

Upon review of the record, it appears that we do not have jurisdiction over Appellant Kumiko S. Brandon's (Appellant Kumiko Brandon) appeal from Appellee Public Utilities Commission's (Appellee PUC) August 25, 2006 Citation Order No. 426 for two reasons: (1) the September 1, 2006 notice of appeal is not valid, and (2) Appellant Kumiko Brandon did not perfect her right to assert an appeal.

Michael P. Brandon (Michael Brandon) is not a party in this case. Nevertheless, it appears that Michael Brandon attempted to assert this appeal on behalf of either Appellant Kumiko Brandon or the Banyan Bicycle Company, because Michael Brandon signed the September 1, 2006 notice of appeal, and Michael Brandon inserted the name of the Banyan Bicycle Company into the caption of the September 1, 2006 notice of appeal. However, Michael Brandon is not licensed to practice law in the

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STATE OF HAWAI'I

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State of Hawai'i. Under HRS § 605-2 (1993) and HRS § 605-14 (1993), persons who are not licensed to practice law in Hawai'i "are not permitted to act as attorneys and represent other natural persons in their causes." Oahu Plumbing and Sheet Metal, Ltd. v. Kona Construction, Inc., 60 Haw. 372, 377, 590 P.2d 570, 573 (1979) (citation and footnote omitted). "By the same token, non-attorney agents are not allowed to represent corporations in litigation, for a wholly unintended exception to the rules against unauthorized practice of law would otherwise result." Id. at 377, 590 P.2d at 574 (footnote omitted). Therefore, regardless whether Michael Brandon was attempting to represent Appellant Kumiko Brandon or the Banyan Bicycle Company, when Michael Brandon signed and filed the September 1, 2006 notice of appeal, Michael Brandon was not entitled to assert an appeal on behalf of Kumiko Brandon or the Banyan Bicycle Company. Therefore, the September 1, 2006 notice of appeal is not valid.

Furthermore, even if Appellant Kumiko Brandon had represented herself as a pro se litigant by signing and filing the September 1, 2006 notice of appeal, we would still lack jurisdiction over this appeal, because Appellant Kumiko Brandon failed to perfect her right to appeal. Under HRS § 271-32(e) (Supp. 2005) and HRS § 271-33 (Supp. 2005), a final order of Appellee Public Utilities Commission is appealable to the intermediate court of appeals. However, HRS § 271-32(e) and HRS § 271-33 require the aggrieved party to file a timely motion for

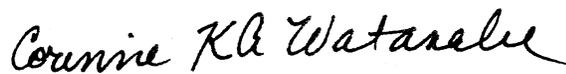
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reconsideration as a prerequisite to any appeal. Thus, there is no appealable order until the Appellee Public Utilities Commission resolves the aggrieved party's timely filed motion for reconsideration. Appellant Kumiko Brandon did not file a timely motion for reconsideration of the August 25, 2006 Citation Order No. 426, and, thus, Appellant Kumiko Brandon failed to perfect her right to assert an appeal from the August 25, 2006 Citation Order No. 426. Therefore, we lack appellate jurisdiction over Appellant Kumiko Brandon's appeal. Accordingly,

IT IS HEREBY ORDERED that appellate court case number 28135 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, December 8, 2006.

  
Chief Judge



Associate Judge

  
Associate Judge