



BUSINESS REGISTRATION DIVISION
OFFICE OF ADMINISTRATIVE HEARINGS
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the Trade Name) TN-2025-006
)
"NS Air Conditioning") DIRECTOR'S FINAL ORDER
)
_____)

DIRECTOR'S FINAL ORDER

On April 8, 2026, the duly appointed Hearings Officer submitted her Findings of Fact, Conclusions of Law, and Recommended Order in the above-captioned matter to the Director of the Department of Commerce and Consumer Affairs ("Director"). Copies of the Hearings Officer's recommended decision were also transmitted to the parties. The parties were subsequently provided with the opportunity to file exceptions; however, no exceptions were filed.

Upon review of the entire record of this proceeding, the Director adopts the Hearings Officer's findings of fact, conclusions of law, and recommended order of dismissal as the Director's Final Order. Accordingly, the Director hereby orders this matter dismissed.

DATED: Honolulu, Hawai'i, 05/04/2026.

Nadine Y. Ando

NADINE Y. ANDO
Director
Department of Commerce
and Consumer Affairs



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HEARINGS OFFICE

BUSINESS REGISTRATION DIVISION
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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the Trade Name)	TN-2025-007
)	
)	HEARINGS OFFICER'S FINDINGS
"NS AIR CONDITIONING")	OF FACT, CONCLUSIONS OF LAW,
)	AND RECOMMENDED ORDER
)	
)	Administrative Hearings Officer:
)	Desirée L. Hikida

HEARINGS OFFICER'S FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND RECOMMENDED ORDER

I. INTRODUCTION

On August 7, 2025, Petitioner North Shore Air Conditioning, Inc. ("Petitioner") filed a petition for revocation of the trade name "NS Air Conditioning," Certificate of Registration No. 4292640, issued by the Department of Commerce and Consumer Affairs ("DCCA") to Respondent NS Air LLC ("Respondent"). The matter was duly set for hearing, and the notice of hearing and prehearing conference was transmitted to the parties.

On September 2, 2025, Respondent submitted a written request to continue the prehearing conference scheduled for September 9, 2025. On September 4, 2025, Petitioner filed its memorandum in opposition to Respondent's request. The Hearings Officer granted Respondent's request and issued an order rescheduled the prehearing conference to October 7, 2025.

On October 7, 2025, a prehearing conference was held with Petitioner represented by Michael C. Biechler, Esq. and Respondent represented by its President, Christopher Mitthauer. Hearing in the matter was scheduled for November 5, 2025, and the parties were ordered to file witness and exhibit lists and exchange copies of proposed exhibits by October 29, 2025. The parties were also ordered to submit two hard copies of proposed exhibits to the Office

of Administrative Hearings (“OAH “) no later than October 29, 2025. Neither party submitted exhibit lists, witness lists, or proposed exhibits.

By correspondence dated September 2, 2025, from Mr. Biechler, the parties jointly requested to continue the hearing. The parties’ request was granted, and an order was issued continuing the hearing to March 18, 2026, and the deadline to file witness and exhibit lists and exchange copies of proposed exhibits to March 11, 2026.

On March 12, 2026, Petitioner filed its witness and exhibit list. Petitioner submitted its proposed exhibits to OAH on March 17, 2026.

On March 18, 2026, hearing in the above-captioned matter was convened by the undersigned Hearings Officer pursuant to Hawaii Revised Statutes (“HRS”) Chapters 91 and 482. Petitioner was represented by Michael C. Biechler, Esq. along with Sherri Hodges, Petitioner’s president. Respondent did not appear, send a representative, or request a continuance. The hearing proceeded without Respondent.

At hearing, Petitioner represented that Respondent assigned the disputed trade name “NS Air Conditioning” to Petitioner, and that DCCA records verify such. Petitioner verbally requested to withdraw the petition for revocation of the trade name.

Having taken administrative notice of the business records of the DCCA, Business Registration Division, and having considered Petitioner’s request to withdraw the petition, together with the entire record of this proceeding, the Hearings Officer hereby renders the following findings of fact, conclusions of law and recommended order.

I. FINDINGS OF FACT

1. Petitioner North Shore Air Conditioning, Inc. (“Petitioner”) is a domestic profit corporation registered to do business in the State of Hawaii on September 22, 2023.

2. Respondent NS Air LLC (“Respondent”) is a domestic limited liability company registered to do business in the State of Hawaii on August 22 2024.

3. On September 3, 2024, Respondent registered the trade name “NS Air Conditioning” with DCCA, Certificate of Registration Number 4292640.

4. On August 7, 2025, Petitioner filed the instant petition to revoke the registration of the trade name “NS Air Conditioning.”

5. Respondent was duly served with notice of the hearing on the petition.

6. On March 3, 2026, an assignment of the trade name, “NS Air Conditioning,” was filed with DCCA, assigning the trade name “NS Air Conditioning,” Certificate of Registration No. 4292640, to Petitioner.

7. At hearing on the petition, Petitioner orally requested to withdraw its petition.

II. CONCLUSIONS OF LAW

In its petition, Petitioner requests an order revoking the registration of the trade name “NS Air Conditioning” pursuant to the provisions of HRS § 482-8, which provides as follows:

§482-8 Revocation of trade name registration. (a) Any person claiming to be the owner of a trade name or mark whose common law rights are infringed upon, or any entity registered or authorized to transact business under the laws of this State whose common law right to its entity name are infringed upon, by a trade name for which a certificate of registration pursuant to this chapter has been issued to any other person may file a petition in the office of the director for the revocation of the registration of that trade name. The petition shall set forth the facts and authority supporting the claim that the petitioner has common law rights of ownership of the trade name, mark, or entity name, that these rights are being infringed upon by the other registered trade name that is confusingly similar to the petitioner's trade name, mark, or entity name, and that the certificate of registration should be revoked.

b) Any person with a registered trade name in this State, or any entity registered or authorized to transact business under the laws of this State, claiming that another subsequently registered trade name is substantially identical to its registered trade name or entity name, respectively, may file a petition in the office of the director for the revocation of the registration of the subsequently registered trade name. The petition shall set forth the facts and authority supporting the claim that the petitioner's registered trade name or entity name is substantially identical to the subsequently registered trade name, the petitioner's trade name or entity name was registered before the subsequently registered trade name, and the registration of the subsequently registered trade name should be revoked.

c) The petitioner, at the petitioner's expense, shall notify the registrant of the hearing in the manner prescribed by the director and section 91-9.5 and the registrant shall be given the opportunity for a hearing in accordance with chapter 91.

d) After granting an opportunity for hearing to the petitioner and the registrant, the director shall grant or deny the petition for revocation, as the facts shall warrant.

Petitioner represented and DCCA records indicate that after the petition was filed, Respondent assigned the disputed trade name “NS Air Conditioning” to Petitioner. At hearing, Petitioner made an oral request to withdraw the petition. Hawaii Administrative Rules (“HAR”) § 16-201-34.1 provides for the dismissal of petitions brought before DCCA and heard OAH.

HAR § 16-201-34.1 provides in pertinent part:

(a) A petition for hearing relief may be voluntarily dismissed by the petitioner without order of the authority or hearings officer by:

(1) Filing a notice of dismissal at any time before service of the petition on the respondent or respondents;
or

(2) Filing a stipulation of dismissal signed by all parties who have been served with the petition or appeared in the action.

Unless otherwise stated in the notice of dismissal or stipulation, the dismissal shall be without prejudice, except that a notice of dismissal shall operate as an adjudication upon the merits when filed by a petitioner who has once dismissed a petition for hearing relief based on or including the same claim before the authority.

(b) Except as provided in subsection (a) a petition shall not be dismissed except upon motion and on order of the authority or hearings officer granting the motion and upon such terms and conditions as the authority or hearings officer deems proper. Unless otherwise specified in the order, a dismissal under this subsection shall be without prejudice.

Under HAR § 16-201-34.1(a), a petitioner may voluntarily dismiss a petition for hearing relief: 1) prior to serving the respondent with the petition; or 2) by filing a stipulation of dismissal signed by all parties. In this case, the record established Respondent was served with the petition and notice of hearing and appeared at a prehearing conference in the matter. Additionally, although the record established Respondent assigned the disputed trade name to

Petitioner, the parties did not submit a stipulation to dismiss the matter prior to hearing. Accordingly, Petitioner is not entitled to a voluntary dismissal of the petition under HAR § 16-201-34.1(a)(1) or (2).

Pursuant to HAR § 16-201-34.1(b) a petition may be dismissed upon motion and on order of the authority or hearings officer granting the motion. The Hearings Officer considers Petitioner's oral request to withdraw the petition a motion for dismissal under HAR § 16-201-34.1(b). The Hearings Officer notes the petition requests revocation of the registration of the trade name "NS Air Conditioning" Certificate No. 429460, and that as of the date of hearing, that registered trade name had been assigned to Petitioner. The Hearings Officer also notes that Respondent did not appear for hearing and there was no opposition to Petitioner's request. Further, it is evident that an order granting the relief requested in the petition, i.e., revoking the registration of the trade name Petitioner now owns, would be contrary to Petitioner's purpose in filing the petition. Accordingly, the Hearings Officer concludes that that dismissal of this matter is appropriate and grants Petitioner's motion to dismiss this matter.

III. RECOMMENDED ORDER

Based on the foregoing findings and conclusions, the Hearings Officer recommends that the Director of the Department of Commerce and Consumer Affairs ("Director") dismiss this matter.

DATED: Honolulu, Hawaii, April 8, 2026.



DESIRÉE L. HIKIDA
Administrative Hearings Officer
Department of Commerce
and Consumer Affairs