



DEPT. OF COMMERCE
AND CONSUMER AFFAIRS

2012 MAR -6 P 12: 50

HEARINGS OFFICE

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

In the Matter of the)	TN 2011-5
)	
Trade Name)	DIRECTOR'S FINAL ORDER
)	
"INVESTMENTS ET CETRA, INC. NV")	
)	
)	
)	

DIRECTOR'S FINAL ORDER

On January 27, 2012, the duly appointed Hearings Officer issued her Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter. The parties were provided with an opportunity to file written exceptions; however, no exceptions were filed. The copies of the recommended decision sent to Miguel Briones ("Respondent") at his last known addresses were returned marked "Return to Sender, Not deliverable as addressed, Unable to Forward".

Upon review of the entire record of this proceeding, the Director adopts the Hearings Officer's proposed decision as the Director's Final Order and grants Petitioner's petition to revoke the trade name "Investments Et Cetra, Inc. NV". Accordingly, the Directors orders that Certificate of Registration No. 4072004 issued to Respondent be revoked on the basis of non-use pursuant to HRS § 482-6.

DATED: Honolulu, Hawaii, MAR - 6 2012 .

KEALI'I S. LOPEZ
Director
Department of Commerce
and Consumer Affairs



DEPT. OF COMMERCE
AND CONSUMER AFFAIRS

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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the) TN 2011-5
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Trade Name) HEARINGS OFFICER'S FINDINGS
) OF FACT, CONCLUSIONS OF
"INVESTMENTS ET CETRA, INC. NV") LAW AND RECOMMENDED
) ORDER
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HEARINGS OFFICER'S FINDINGS OF FACT
CONCLUSIONS OF LAW AND RECOMMENDED ORDER

I. INTRODUCTION

On June 1, 2011, Lucille J. Boston, Esq., on behalf of Investments Et Cetera, Inc. ("Petitioner") filed a petition requesting that the certificate of registration for the trade name "Investments Et Cetra, Inc. NV", issued by the Department of Commerce and Consumer Affairs as certificate of registration no. 4072004 to Investments Et Cetra, Inc. dba Investments Et Cetra, Inc. NV ("Respondent") be revoked. The matter was set for hearing and the Petition and Notice of Hearing and Pre-Hearing Conference ("Notice") were transmitted to the parties. Respondent received a copy of the Petition and Notice by certified mail on July 25, 2011. On September 19, 2011, the Hearings Officer received a letter from Miguel Briones, the sole shareholder and President of Respondent stating, among other things, that "we refuse any appearance in any hearing until a lawyer who is licensed to practice law in Hawai'i is appointed." Mr. Briones was referring to Ms. Boston. By a letter dated September 21, 2011, transmitted by facsimile, the Hearings Officer informed Mr. Briones that Ms. Boston had been appointed vice president of Petitioner and that pursuant to

Hawai'i Revised Statutes ("HRS") § 91-9(b)(5), "...a member of a partnership may represent the partnership or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association." This information was also given to Mr. Briones during a telephone conversation on August 25, 2011, during which Mr. Briones indicated that he would arrange for local counsel to be present at the hearing. However, on September 26, 2011, Mr. Briones notified the Hearings Officer by telephone that Respondent would not be attending the hearing.

On September 27, 2011, a hearing was conducted by the undersigned Hearings Officer. Ms. Boston, Vice President of Petitioner, appeared on behalf of Petitioner. Respondent failed to enter an appearance. Since proper service was made, the hearing proceeded as scheduled.

Having reviewed and considered the evidence and argument presented at the hearing, together with the entire record of this proceeding, the Hearings Officer renders the following findings of fact, conclusions of law and recommended order.

II. FINDINGS OF FACT

1. On January 28, 2002, the Department of Commerce and Consumer Affairs issued Certificate of Registration No. 4072004 to Respondent for the trade name "Investments Et Cetra, Inc. NV". The purpose of Respondent's business is "Real Estate Investments". The registration expires on April 16, 2014.

2. On August 15, 2011, the Director of the Department of Commerce and Consumer Affairs, State of Hawai'i, issued a certification stating that Respondent, a Nevada corporation, duly registered to do business in the State of Hawai'i as a foreign corporation on April 17, 2009, was not in good standing as the 2011 annual report, which was due on June 30, 2011, was not on file.

3. Petitioner could not find any use of "Investments Et Cetra, Inc. NV" by Respondent in Hawai'i. The following sources were checked: telephone directories, Hawai'i State Department of Taxation, The United States Patent and Trademark Office, trade bureaus and associations, and wholesale and retail firms.

4. On June 15, 2011, the Director of the Department of Commerce and Consumer Affairs, State of Hawai'i, issued a Certificate of Good Standing certifying that

Petitioner was incorporated under the laws of the State of Hawai'i on August 30, 1996 and that it is an existing corporation in good standing and is duly authorized to transact business.

III. CONCLUSIONS OF LAW

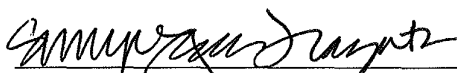
Petitioner seeks revocation of the trade name "Investments Et Cetra, Inc. NV" on the grounds of non-use under Hawaii Revised Statutes ("HRS") § 482-6. In order to show non-use, Petitioner must show by a preponderance of the evidence that Respondent did not use the trade name "Investments Et Cetra, Inc. NV" for three hundred sixty-five (365) consecutive days immediately preceding June 1, 2011, the date the petition was filed.

Petitioner could not find any evidence that Respondent used "Investments Et Cetra, Inc. NV" for the one year prior to June 1, 2011. Accordingly, the Hearings Officer concludes that Petitioner has proven by a preponderance of the evidence that Respondent has not used the trade name "Investments Et Cetra, Inc. NV" for three hundred sixty-five days prior to the filing of the petition.

IV. RECOMMENDED ORDER

For the reasons set forth above, the Hearings Officer recommends that the Director order that Certificate of Registration No. 4072004 issued to Respondent be revoked on the bases of non-use pursuant to HRS § 482-6.

DATED: Honolulu, Hawaii, JAN 27 2012



SHERYL LEE A. NAGATA
Administrative Hearings Officer
Department of Commerce
and Consumer Affairs