

HAWAII

A Happy Ending: Release of Public Records Ends Civil Beat Lawsuit

The Hawaii Ethics Commission ultimately decided to release the financial disclosure reports the news outlet had been seeking through court action.

JULY 1, 2015 • By Nathan Eagle   

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Civil Beat's yearlong fight over the release of financial disclosure statements for certain state board members wrapped up Wednesday after ethics officials told a Circuit Court judge the records were being released after all.

A recent policy decision by the [Hawaii State Ethics Commission](#) resulted in the public release of the annual financial statements. Civil Beat had asked for the records after the Legislature passed Act 230, which added 15 of the most powerful boards and commissions to the list of state employees who must disclose their financial interests. The commission at first balked at making the reports public, then changed its mind.

“The Ethics Commission finally implemented the intent of Act 230,” said Brian Black, executive director of the [Civil Beat Law Center for the Public Interest](#), which represented the news outlet.

“The public now has the ability to review board members' disclosures for potential financial conflicts of interest.”

Cory Lum/Civil Beat



Civil Beat's lawsuit in 1st Circuit Court has been rendered moot because the Hawaii State Ethics Commission has released the financial disclosure statements that the news outlet was seeking.

On July 14, Civil Beat requested the 2014 disclosure statements for members of three of the 15 boards added to the list — the University of Hawaii Board of Regents, Land Use Commission and Agribusiness Development Corporation Board of Directors.

The commission denied that request in part on July 29, saying any current board member who filed their disclosure form before the new law took effect had a privacy interest and therefore those records would not be released.

The law center, on behalf of Civil Beat, [challenged that decision](#) in court on Sept. 25. Six weeks later, Judge Rhonda Nishimura [granted Civil Beat's request](#) for a preliminary injunction to require the commission to make those records public.

The state Attorney General's office appealed the decision, delaying the matter for months.

In March, the [commission decided](#) that it would release the 2014 disclosure statements

for board members who filed their 2015 reports by simply checking “no change” from the previous year. That policy resulted in the release of the records Civil Beat had sought.

“When this case started in 2014, the commission made clear that this information would not be publicly available for two years,” Black said. “But the Legislature had found that the commission did not have the ability to review these financial disclosures for conflicts of interest. As a result, unless someone forced the issue, these boards would continue to make decisions for two years without any oversight for financial conflicts.”

The financial disclosure statements identify in broad monetary ranges how much a person earns each year and the source of that income; property and business interests; stocks; memberships on outside boards or trusts; and creditors.

The law allows the public to help uncover conflicts of interest of board members. Ethics Executive Director Les Kondo has said the commission lacks the resources to thoroughly review all of the reports and needs to rely on the public for help.

Some board members have complained the [law infringes on their personal privacy](#).

By late July, 26 members from 10 state boards had [quit since the Legislature passed the bill](#). In their resignation letters, they cited privacy concerns, personal reasons and fears over how people might use the information if it is posted online.

“Although it has taken almost a year, by making these records public, the Ethics Commission has fulfilled its constitutional obligation to hold the state’s public officials to the highest standards of ethical conduct,” Black said. “Because Civil Beat obtained the public access it requested, the case is over.”

Civil Beat Database Now Includes City Officials

As the lawsuit was playing out, Civil Beat built and published an [online database](#) to make it easy to search the financial disclosure records filed by hundreds of top Hawaii officials and candidates for elected office.

Just because financial disclosures are public doesn’t mean the public can easily access

them.

The Ethics Commission collects the disclosure statements each year from more than 1,900 state employees and then posts those that must be made public on its website. Not all are required to be made publicly available, including most lower-ranking state employees and members of less significant boards.

But disclosures for all 76 lawmakers, the governor, lieutenant governor, department heads and members of many top state boards and commissions are public.

While the commission posts those filings online, it's tough to search the website and cross-reference people, companies or other information included in the reports. Civil Beat's database was created to overcome that challenge.

The database was recently updated to include the financial disclosure statements that Honolulu city officials file with the [Honolulu Ethics Commission](#), including Mayor [Kirk Caldwell](#), Honolulu Police Chief [Louis Kealoha](#) and Corporation Counsel [Donna Leong](#).

Civil Beat is also working to keep the rest of the database up to date, checking weekly for new filings and inputting them into our system.

Check out Civil Beat's database [here](#).

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Ed Wagner

Congratulation again CivilBeat for its persistence and continued top notch investigative reporting to help make politicians and those in powerful positions accountable to the people. Keep up the good work!

Like · Reply ·  6 · Jul 2, 2015 2:27am · Edited



Arvid Youngquist

Congratulations on your receiving all the accolades at journalism award recognition dinner.

Like · Reply · Jul 2, 2015 9:06pm



Natalie Iwasa, Community Advocate

This is great news! Now if the Honolulu Ethics Commission would reverse its most recent decision (media policy), that would be even better.

Like · Reply ·  5 · Jul 2, 2015 3:18am



Natalie Iwasa, Community Advocate

Are there plans to include more city officials in the CB database? I checked a couple of councilmembers, and they are not there.

Like · Reply ·  4 · Jul 2, 2015 3:19am



Nathan Eagle · Works at Honolulu Civil Beat

Yes, Natalie. We're going to continue to add more and more officials whose financial disclosures are public record.

Like · Reply ·  1 · Jul 2, 2015 1:31pm



Civil Beat

Aloha Natalie-- Thanks for pointing that out! That was an oversight on our part. I just added the city councilmembers to the database so feel free to check that out. Mahalo!
-Alice

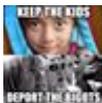
Like · Reply ·  1 · Jul 2, 2015 8:09pm



Arvid Youngquist

Civil Beat, when you first started your meteoric rise to the journalism stratosphere, you published the pay scale of each and every individual public sector union members' pay. I felt that was perfectly OK as to myself, others did not feel like I do. But what is good for the goose is good for the gander. The annual Ethics Commission reports by elected officials, board and commission members should be an open book. Although initial resistance by former members of the UH Board of Regents resulted in a number of early retirement or Regents' resignation, that is the price of public service so that the public can rest assured that not only transparency is observed but conflict of interest does not become the enduring status quo here in Hawaii and especially, the State capitol and capital city.

Like · Reply · Jul 2, 2015 9:05pm



Tokumana Aki

Awesome.

Like · Reply · 2 · Jul 2, 2015 10:43am



Robert Manning · Church College of Hawaii

A battle has been won against this corrupt state but the war wages on.

Like · Reply · 1 · Jul 2, 2015 11:03am



Arvid Youngquist

Robert, good point...always the case. Pursuit of liberty and freedom has a steep price. It is Eternal Vigilance. A state of Alert has to be assumed by individuals in "shifts". More the group, easier to maintain the alert and presence.

Like · Reply · 1 · Jul 2, 2015 9:10pm



Christine Trecker

Bravo! Brian Black Of Civil Beat's Law Center for the Public Interest should be commended for this positive outcome.

Like · Reply · 1 · Jul 2, 2015 8:06pm



Arvid Youngquist

Shadows of Ralph Nader's Raiders! The Public interest forays and the works of groups such as Common Cause, League of Women Voters, AARP, KANU Hawaii, and other non-partisan groups have promoted citizen participation in civic responsibility and activists becoming the leaders they seek.

Like · Reply · Jul 2, 2015 9:08pm



Ed Wagner

I still want to know when CivilBeat is going to have its own TV station.

Like · Reply · Jul 2, 2015 9:08pm



Joachim Oster

Indeed good news! Makes you stand out amongst all the much older news media in this state. A transparent government is the only good government.

Like · Reply · Jul 6, 2015 10:20am

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