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Hawaii News

Agency approves \$8,000 in fines

September 10, 2015

The Hawaii Campaign Spending Commission on Wednesday approved a total of about \$8,000 in fines for 13 political candidates and noncandidate committees, including former Hawaii island Rep. Faye Hanohano and the Castle & Cooke Inc. Legislative Committee, for filing late campaign spending reports.

However, many of those fined are repeat offenders who have accrued thousands of dollars in fines in recent years, while ignoring commission attempts to get them to file disclosure reports on time, if at all.

“The situation is not dire, but there is cause for concern. We just want to maintain what we have.”

Tony Baldomero

Associate director, Campaign Spending Commission

Commission staff said they have turned to the state Attorney General’s Office to get help in enforcement, and are contemplating criminal prosecution in some cases.

“We’re in discussion with the Attorney General’s Office on how to handle all of these cases that are piling up,” Kristin Izumi-Nitao, executive director of the commission, told the five-member commission during a meeting Wednesday morning.

Meanwhile, commission staff highlighted ongoing concerns with their budget as fines continue to be siphoned off into the general fund and the fund for maintaining operations continues to dwindle.

Hanohano, who lost her re-election bid to the House in 2014, has been fined three

times this year by the commission for failing to submit reports on time. She was fined \$1,170 in January, \$500 in March and \$750 this week, according to Izumi-Nitao.

Henry Kahula, who ran for the Maui County Council last year, has racked up five fines totaling \$3,750. This includes a \$1,000 fine issued Wednesday.

Curtis Hendrix Lake, who unsuccessfully ran against Kauai Mayor Bernard Carvalho last year, received his fourth fine this week and now owes the commission \$3,250.

Some candidates and committees have settled with the commission for reduced fines. For instance, Castle & Cooke's Legislative Committee filed its report 10 days late, but negotiated a reduced settlement of \$317, down from \$950.

Committees and candidates that are fined have 20 days to contest the ruling before the fine becomes final. If the fine isn't paid, then the commission can file applications against the person in Circuit Court.

Gary Kam, general counsel for the commission, said that usually works. However, if that fails, he said Hawaii law allows the person or committee to be charged with criminal contempt.

But such prosecution is outside the realm of the commission's powers, he said.

All of the fines levied this week, if collected, will be deposited into the general fund, which has been the state's policy since 2008.

The spending commission has unsuccessfully lobbied the Legislature to keep the fines, which have totaled \$331,707 over the past seven fiscal years, according to the commission. Commission staff members are also hoping that their operating expenses will be paid out of the general fund.

For the past 17 years, the commission has been funding its operations through a trust fund, which is quickly being depleted, according to a presentation that staff made to commission members during the Wednesday meeting. In the 2007 fiscal year, the commission had a balance of \$5.6 million. As of the end of this fiscal year, that balance had dropped to about \$1.9 million.

"The situation is not dire, but there is cause for concern," said Tony Baldomero, the commission's associate director. "We just want to maintain what we have."

This includes conducting dozens of investigations every year. The commission opened 125 inquiries and investigations this past fiscal year, according to its annual report, which was released Wednesday. Out of these, the commission determined that there had been 74 campaign finance violations totaling \$38,359 in fines. Eight of these complaints have been referred to the Attorney General's Office for criminal prosecution, according to the report.

Tardy Filers

Fines approved by the commission for filing late reports include:

- » Castle & Cooke Inc. Legislative Committee: \$317
- » Velasco Ohana: \$70
- » Larry Gering and Committee to Elect Larry Gering: \$1,000
- » Stuart Gregory and If You Didn't Vote for Me Then You Paid Too Much: \$750
- » Faye Hanohano, Leslie Julian and Friends of Faye Hanohano: \$750
- » Henry Kahula Jr., Darnelle Kahula and Henry Kahula for Council: \$1,000
- » Curtis Hendrix Lake and C Hendrix Lake: \$1,000
- » Gene Leslie, Laurie Aquino and Friends of Bucky: \$750
- » Noralyn Pajimola, Rudy Pajimola and Friends of Noralyn Pajimola: \$1,000
- » Adam Reeder, Melissa Reeder and Friends of Adam Reeder: \$1,000
- » American Resort Development Association Resort Owners Coalition PAC: \$212.50
- » Leslie McKeague-Gomes and Friends of Leslie McKeague: \$200
- » Mark Ing, Sara Ohashi and Friends of Kaniela Ing: \$50