


## State Integrity 2015

# Hawaii gets D+ grade in 2015 State Integrity Investigation

### Lobbyists thrive in land of sunshine

By Nancy Cook Lauer  12:01 am, November 9, 2015 Updated: 6:39 pm, December 1, 2015

## Hawaii

GRADE: **D+**(69) RANK: **4<sup>th</sup>**

Assessing the systems in place to deter corruption in state government

Click on each category for more detail

[OUR METHODOLOGY](#)

### Public Access to Information

GRADE: C-(70) RANK: 2<sup>nd</sup>

### Political Financing

GRADE: C-(71) RANK: 11<sup>th</sup>

### Electoral Oversight

GRADE: D-(60) RANK: 34<sup>th</sup>

### Executive Accountability

GRADE: C-(71) RANK: 11<sup>th</sup>

### Legislative Accountability

GRADE: D-(63) RANK: 25<sup>th</sup>

### Judicial Accountability

GRADE: F(56) RANK: 26<sup>th</sup>

### State Budget Processes

GRADE: C-(71) RANK: 33<sup>rd</sup>

### State Civil Service Management

GRADE: D(65) RANK: 13<sup>th</sup>

### Procurement

GRADE: C(76) RANK: 13<sup>th</sup>

### Internal Auditing

GRADE: B(84) RANK: 15<sup>th</sup>

### Lobbying Disclosure

GRADE: F(55) RANK: 37<sup>th</sup>

### Ethics Enforcement Agencies

GRADE: C+(78) RANK: 2<sup>nd</sup>

### State Pension Fund Management

GRADE: C(74) RANK: 13<sup>th</sup>

## Updates

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### State Integrity Investigation

Explore the full interactive to learn more about other states.

Credit: Yue Qiu, Chris Zubak-Skees and Erik Lincoln, Center for Public Integrity with Global Integrity

**Update, December 1, 2015, 6:00 p.m.:** Due to a correction to the data in another state, Hawaii's rank in the category for Legislative Accountability has changed to 25th.

The *State Integrity Investigation* is a comprehensive assessment of state government accountability and transparency done in partnership with *Global Integrity*.

A recent Hawaii press corps Gridiron skit had the audience in stitches over "Ethics Feud," a takeoff on the popular TV game show "Family Feud," this one pitting Team Ethics against Team Politician. Team Politician, as would be expected in a satirical show, **won the bout** and took home "10 free rounds of golf sponsored by the construction lobbyist association."

Funny stuff. But the free golf **actually happened**, and ethics in Hawaii is no laughing matter, especially when it comes to lawmakers' relationships with lobbyists.

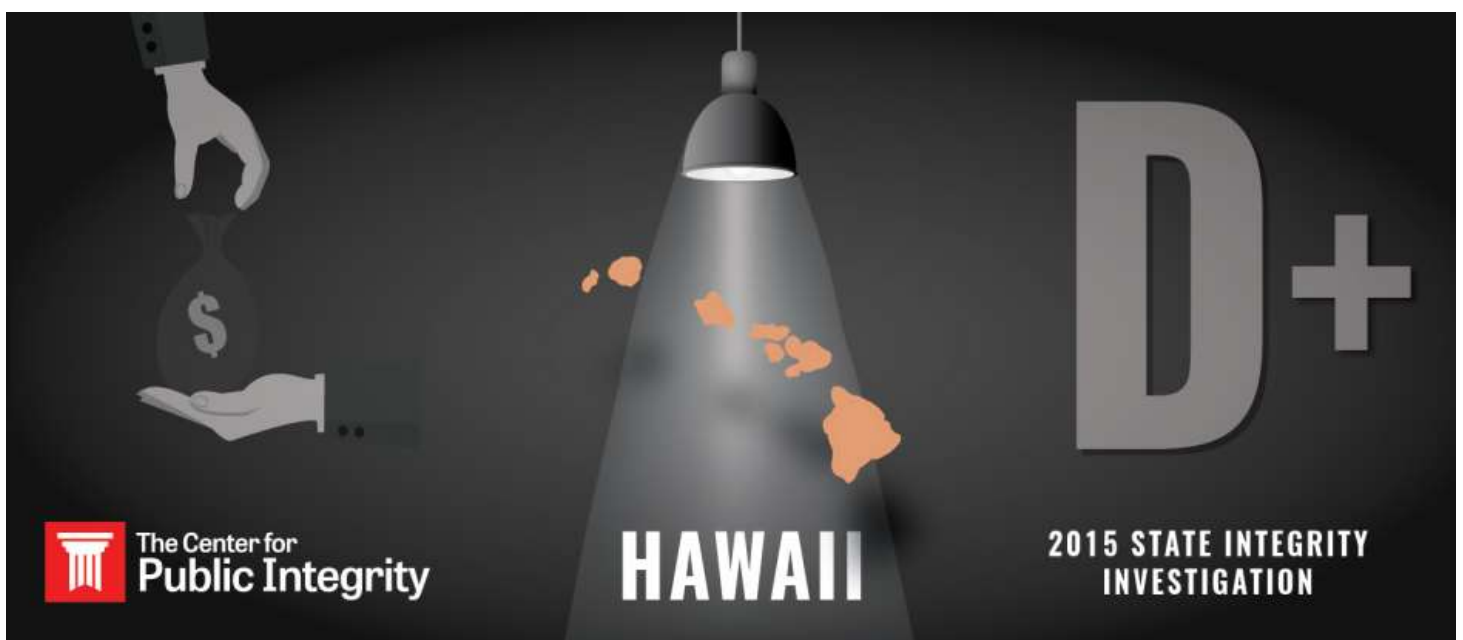
These connections, fed by the *ho'omalimali* — Hawaiian for flattery and charm — of lobbyists, contributed heavily to Hawaii getting a low score on its latest report card, even though the Aloha State fared well compared to other states.

Hawaii earned a score of 69, or a D+, placing it fourth best in the **State Integrity Investigation**, an assessment of state government accountability and transparency conducted by the Center for Public Integrity and Global Integrity. **Only Alaska, California and Connecticut did better.**

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Emilie Udell for the Center for Public Integrity

That's a slight drop from **the C grade and score of 74 earned in the 2012 report card**, but a big gain over its ranking of 13th among all the states last time (the latest investigation covers the period between January 2013 and March 31, 2015). The two scores are not directly comparable, however, due to changes made to improve and update the project and methodology, such as eliminating the category for redistricting, a process that generally occurs only once every 10 years.

Hawaii Gov. David Ige said through a spokeswoman that he can't comment on the new report card until he has a chance to review it.

It's not hard to find information from Hawaii government agencies. State government Facebook and Twitter accounts abound, updating followers on everything from **who has filed** for a campaign fundraiser to the **latest rulings** coming from the higher courts. Instagram feeds feature photos of lei-draped officials doing good works, opening new facilities, celebrating successes. There's live video streaming of news conferences and legislative hearings on the Web and public-access television.

But that's the information the government wants you to see. When it comes to finding out the rest, such as which special interests are lobbying which state decision-makers and what's really going on in the state Legislature, the 1.4 million residents of the 50th state, scattered across eight major islands, often find themselves in the dark.

### Waves of information

Hawaii tied for second in the nation on access to information, and one of just three states to score a C-, the best grade in the category. Relatively strong open meetings and public records laws — coupled with a separate state agency charged with interpreting, advising and enforcing the law and a commitment to releasing information in an open data format — buoyed a score that was nonetheless brought down by backlogs of appeals, at least two of which recently took four years to resolve.

Hawaii received its highest score, an 84, or B, in the category of internal auditing, an acknowledgement that its auditor is constitutionally protected against political interference and is free to conduct its work without fear of retribution. Among the states, Hawaii tied for 15th in this category.

A recent evaluation of the state's health-care exchange, set up under the Affordable Care Act, showed Jan K. Yamane, acting state auditor,

## State Integrity 2015



How do each state's laws and practices deter corruption, promote transparency and enforce accountability?

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Stories in this series

as a no-holds-barred watchdog ready to initiate investigations and bluntly describe outcomes. Yamane demonstrated she wasn't afraid to criticize a politically popular program in this overwhelmingly blue state.

"Management's hasty and inept procurement practices wasted more than \$11 million in taxpayer moneys," Yamane said in a [recent report](#).

### No popularity contest

For its ethics oversight, Hawaii ranked second in the nation with a score of 78, a C+ grade.

It's an indication of how seriously Les Kondo, executive director of the Hawaii State Ethics Commission, takes his job. He recently came under fire — and managed to keep his job — after a high-ranking state legislator complained, without naming Kondo explicitly, that he was trying to "rewrite the Ethics Code to conform to his own notions of what constitutes ethical conduct."

Kondo, whose directives and guidance on accepting meals and gifts and other conduct have upset many state lawmakers since he took the job in 2011, disclosed at a public meeting of the commission last May that an internal performance evaluation rated him "poor" in several areas, including his relationships with other agencies and the news media. "You see me one time every month for two hours. But every month, I work 200 or more hours," he told the five-member panel.

He won accolades from officials and watchdog groups at that meeting. "He is not afraid to fight the fight that has to be fought," said Kristin E. Izumi-Nitao, executive director of the state's Campaign Spending Commission.

### What, me lobby?

As Kondo drew fire from lawmakers, the Ethics Commission appeared to be blindsided by a [self-described](#) "strong and effective advocate and lobbyist" for land developers who was able to promote his group's interests with legislators for seven years without registering as a lobbyist or submitting the required periodic disclosure forms.

David Arakawa, executive director of the Land Use Research Foundation, which lists two dozen major landowners and developers as members, testified often at legislative hearings. But Arakawa, who once served as top legal counsel for the city of Honolulu, told the Ethics Commission he didn't believe the lobbyist laws applied to him.



Only three states score higher than D+ in State Integrity Investigation; 11

flunk

By Nicholas Kusnetz November 9, 2015



How does your state rank for integrity?

By Yue Qiu, Chris Zubak-Skees and Erik Lincoln November 9, 2015



States flunk at integrity

By Nicholas Kusnetz November 9, 2015

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After wrapping up an **investigation** last February, the commission said Arakawa “likely” violated the law, but, in the end, concluded: “Mr. Arakawa appeared to have genuinely misunderstood the law.” He was able to negotiate a \$2,000 fine for himself and another \$2,000 fine for the developers’ group.

Given such enforcement of state lobbyist laws, it’s no surprise Hawaii scored 55, or an F, in lobbying disclosure, making it 37th in the nation.

### **Operating with “rusty scalpels”**

Behind-the-scenes shenanigans at the state Capitol led to a low score for legislative accountability. Hawaii’s legislative branch earned a score of 63 or D-, which was 25th in the nation.

Most at issue for two public interest groups are so-called “logrolling” — or the trading of political favors — and “Frankenstein” bills that come out of legislative committees or conference sessions bearing very little resemblance to the bills that went in. Lawmakers ultimately pass legislation that the public hasn’t had a chance to review and respond to, involving issues the public may have had no idea were under consideration.

The practice has become so commonplace that the League of Women Voters and Common Cause Hawaii have begun naming winners of an annual “Rusty Scalpel” award.

“In plain English, our Legislature is NOT supposed to pass a bill which addresses 2 or more unrelated subjects” or without three separate readings in each chamber, the groups said in an Aug. 13 joint **news release** announcing the 2015 winner. They noted that the state constitution stipulates, “Each law shall embrace but one subject which shall be expressed in its title.”

The bill, one of more than 20 eligible candidates, stitched together provisions on absentee ballots, the term of the Election Commission chairman and evaluation of the chief elections officer. It passed the Legislature and was signed into law, without the requisite readings or public hearings.

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**Jose Bulatao Jr**

Let's face it! It doesn't look very impressive ANYWHERE, politically! Time for some major "cleansing" process, folks! To the incumbents: the Age of Information has ushered in the capabilities for the grass-roots constituency to access the breadth and depth of documented evidence----all at our finger-tips! The world is watching and waiting! Election is a year away, today! It will be interesting to see who "returns" and who is "replaced", won't it?

Like · Reply · 2 · Nov 9, 2015 4:35pm



**Mentnech Mike** · University of Hawaii

"Never forget that everything Hitler did in Germany was legal." -- Martin Luther King, Jr.

I am sure if he had seen the need Hitler would have had an Ethics Commission to declare everything was ethical also. Of course if you have an ethics law then if it's legal it is also ethical, or perhaps if it's not illegal it is not unethical. That's why we have an Ethics law. The Ethics Commission is simply an extrajudicial court.

Like · Reply · 1 · Nov 9, 2015 5:05pm



**Karin Nomura** · Mililani High School

An F in judicial accountability....C+ in Ethics Enforcement Agencies (I'd have given an F for the as they like to call it "nonfeasance" or "misfeasance") who actually can pick and choose cases - though didn't realize they could (supposedly) "visit" at midnight and perform "investigations" too...

Like · Reply · Dec 10, 2015 11:30pm



**Patricia Ann Card**

Good work League!

Like · Reply · Feb 22, 2016 1:46pm

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