

Court group may be violating state ethics laws, report says

By Jerry Burris
Advertiser Politics Editor

The state judiciary has created an unofficial and unregistered "political machine" that wields great political influence and may be violating state ethics laws, the citizen lobbying group Common Cause charged yesterday.

The organization published a report on the judiciary's "Hui O' Kokua," a voluntary group of court workers and administrators who are active in legislative lobbying, campaigning and fundraising.

Since the Hui is not registered as a lobbying group or as a political action committee and since some of its activities could take place on state time, Common Cause said, there may be violations of state ethics laws.

There were no specific instances cited which, on their face, would constitute a violation of state ethics laws. But the pattern of the Hui's activities raises ethics and legal questions, Common Cause said.

Much of the group's work involves providing food and refreshments to lawmakers during the busy legislative session. They also help prepare food, serve and otherwise assist at selected legislative fundraisers, Common Cause said.

The unofficial organizer and director of Hui O' Kokua is Tom "Fat Boy" Okuda, recently named acting administrative director of the courts. Okuda was home ill yesterday and not immediately available to comment on charges by Common Cause that some of the Hui's activities violate ethics rules about lobbyist registration and political activities by government workers.

Courts spokesman Carole Doda said her office received the Common Cause report late yesterday and would have to "look at it in detail before deciding on a course of action."

While the judiciary and Okuda have received high praise for their successful lobbying efforts, Common Cause said, their activities "go beyond legitimate agency lobbying . . . they compromise the



Tom Okuda
Director of Hui O' Kokua

independence, impartiality and objectivity of the courts and . . . they violate standards of ethical conduct applicable to public employees."

Much of Common Cause's report centers around longstanding lobbying efforts by Okuda and his courts personnel. Through food, small favors and — for a while — "mini luaus" complete with volunteer entertainment, the courts have won strong legislative support for their budget requests.

In addition, the court group provides opening day refreshments for some legislators and, according to Common Cause, helps selected candidates to organize fundraisers, campaign door-to-door and wave signs. This, Common Cause said, goes beyond "the simple participation of individual government employees in political affairs."

Specifically, the group says that:

- The judiciary political organization has failed to file reports with the state Ethics Commission disclosing contributions and expenditures made for lobbying. The law requires such disclosure when expenditures (including food and beverages) add up to more than \$275 during any six-month period, Common Cause said.

- (Ethics Commission executive director Catherine Chang said that generally public agencies would not be required to file if they are involved in lobbying. She said private reporting requirements hinge on whether someone is paid to lobby or is involved on other than the grassroots, volunteer level.)

- Okuda may have violated guidelines set up by the Ethics Commission if he solicited campaign contributions or volunteer help from court employees under his charge.

- The use of state time, equipment or facilities for "political purposes" would be a violation of ethics law. At least on some occasions, Common Cause alleged, food preparation or other activities related to fundraisers took place in court offices.

- The award of deputy sheriff's badges to selected legislators (as reported in The Advertiser in recent years) appears to be an "improper use of official position."

- The regular free meals and other services to legislators and their staff during sessions places the lawmakers in a "potentially compromising position that would appear to be prohibited by ethics law." The law says that no legislator should receive gifts or help that could be inferred as intended to influence or reward him.

In addition, Common Cause said there should be an investigation into allegations that court administrators routinely "fix" traffic tickets for legislators and others in violation of state law.

Okuda has said in the past that while his office cannot simply "fix" tickets, it can, under direct judicial supervision, dispose of some citations administratively.

Lobbyist for State Courts Under Attack

By Lee Catterall
and Stirling Morita
Star-Bulletin Writers

Common Cause is accusing state Judiciary acting director Tom "Fat Boy" Okuda of violating state ethics rules restricting political activities of state employees.

A Common Cause report contends that Okuda's lobbying and food-catering activities at the Legislature violate numerous guidelines established by the state Ethics Commission.

The report criticizes Okuda for heading "an extensive political machine within the Judiciary" called Hui O'Kokua. The group provides food and "volunteer" campaigners for legislators, fixes parking tickets and gives deputy sheriff badges as favors to some legislators, the report says.

Okuda was unavailable for comment yesterday and today. His secretary said yesterday he had not come to work because he was ill.

Chief Justice Herman Lum named Okuda acting chief administrator of state courts two weeks ago following the resignation of Lester Cingcade. Okuda had been a deputy director of state courts and director of the state Traffic Violations Bureau.

IAN LIND, executive director of Common Cause-Hawaii, said yesterday that copies of the report will be delivered to Okuda, Lum, legislative leaders and the Ethics Commission.

"Our intent is to push the Ethics Commission, the chief justice and legislative leaders to deal with the situation, in their own ways, in order to stop practices that politicize the Judiciary," Lind said.

"We feel real clear that all the activities, when taken into context, show it is an improper thing for the Judiciary to be doing," Lind said.

Hui O'Kokua is violating a rule requiring any group providing more than \$275 worth of goods for political purposes during a

six-month period to register with the Ethics Commission as a political action committee, Common Cause contends.

Okuda's solicitation of "volunteers" for food-preparation and campaigning violates an ethics code, the report maintains.

State employees are not allowed to engage in political activities during their work hours. Judiciary employees' involvement in those activities and potential "favoritism" shown to them because of their participation violate other ethics codes, Common Cause contends.

COMMON CAUSE also criticizes public officials for neglecting to question Hui O'Kokua activities that "have been generally known with the Judiciary, as well as throughout the Legislature, the press corps and the community of lobbyists and political observers," the report says.

The report says that newspapers have reported Okuda's activities only in "mildly critical

tones."

Part of the reason for the lack of criticism stems from "the personal effectiveness of Tom Okuda as a lobbyist," Common Cause says. "Okuda's political power has also inhibited criticism."

Such criticism "is necessary and long overdue," Common Cause says.

"Common Cause has received complaints that the organized political activities of the Judiciary go beyond legitimate agency lobbying, compromising the independence, impartiality and objectivity of the courts, and that they violate standards of ethical conduct applicable to public employees," Common Cause says in the report.

State employees who are lobbying for the state government are exempt from the regulations of Hawaii's lobbyists' law, said Catherine Chang, executive director of the Ethics Commission.

The law calls for registered lobbyists to submit annual

expenditure reports to the Ethics Commission.

LIND SAID the report will not be a formal complaint to the Ethics Commission, but noted that the commissioners can authorize an investigation of the matter on their own.

The Ethics Commission puts out a brochure detailing ethical guidelines that government officials and employees should follow during campaigning.

According to the brochure, officials and employees should "avoid soliciting from persons you inspect, regulate, or over whom you exercise direct discretionary responsibility."

Employees also should "avoid soliciting from persons you supervise," the brochure says. "Avoid using your position to intimidate or coerce anyone into making a campaign donation."

In addition, the brochure says officials and employees should "avoid using state time, equipment or personnel for political campaign purposes."



Tom Okuda
Effective lobbyist

IN HAWAII