

Misuse of time, facilities charged

Judiciary aides said among caterers at fund-raisers

By James Dooley
Advertiser Staff Writer

A political lobbying group made up primarily of state judiciary employees prepared food and helped to cater at least 16 political fund-raisers held by legislators this year, the public interest group Common Cause said yesterday.

Common Cause executive director Ian Lind alleged that in some cases, state personnel prepared food for the fund-raisers while on state time and using state facilities, a violation of state ethics laws.

Tom Okuda, acting administrative director of the judiciary and the man who heads the judiciary's political lobbying efforts, was unavailable for comment yesterday on Lind's charges.

Food preparation services and catering supplies for the legislators came from a group called Employees for Good Government Services (EGGS), a lobbying group made up mostly of state judiciary employees.

The legislators who received the services reimbursed the group for out-of-pocket expenses but not for labor, according to campaign spending reports filed recently with the

state Campaign Spending Commission.

Most of the services or goods provided involved relatively small amounts of money.

The campaign organization for state Rep. Reynaldo Gaulty, for instance, reimbursed EGGS \$69.20 for noodles served at a March fund-raiser and another \$50 for aluminum trays.

Gaulty said yesterday that as far as he knew, none of the fund-raiser services provided by EGGS involved state employees working on state time.

He said he was approached "either by Tom Okuda or by Calvin Ching," an Okuda aide, who asked if he needed any help for a fund-raiser he had scheduled in March.

Okuda or Ching offered to prepare food to be served at the fund-raiser, Gaulty said.

"If I would pay for the ingredients, they would supply the labor," Gaulty said.

He said he was not surprised by the offer because he has seen judiciary personnel performing similar services at numerous other political fund-raisers.

"It seems like every one I've

gone to, I've seen them there," Gaulty said.

Gaulty said the EGGS group could fully cater a fund-raiser, providing food, drinks and even bartenders.

He said he believed that EGGS personnel probably checked a master list of fund-raisers scheduled by legislators that is maintained in the House vice speaker's office, then offered EGGS assistance to the individual legislators.

Gaulty said he saw nothing wrong with the operation "as long as this isn't done on state time. All kinds of people and organizations offer to help with fund-raisers."

State Sen. Ben Cayetano said the same thing.

EGGS arranged the purchase of \$354 worth of beer served at Cayetano's April fund-raiser and was reimbursed the money later by Cayetano's campaign organization.

"They get a good price for food and drinks," Cayetano said.

"Everybody tries to do things for you and everybody wants something from you," he said.

If the EGGS group engaged in such activities on state time, Cayetano said, "that shouldn't happen."

"I don't know that that has happened. I think that they would be very careful about it not happening," he said.

Cayetano said he is close to Okuda and acknowledged that he has participated in a reserve state deputy sheriff program overseen by Okuda.

Lind of Common Cause said yesterday that "these extensive political activities cannot help but endanger the independence and objectivity of the state's judicial system."

He also charged that judiciary officials "recruit 'volunteers'" from the judiciary workforce to assist in the food preparation and also to help with EGGS' own fund-raising activities.

Okuda and the judiciary have been criticized in recent weeks by Common Cause and by state Rep. Fred Hemmings for political activities and also for developing the state sheriff's office into a large and lavishly budgeted branch of the judiciary.

Judiciary personnel have said a response would be prepared after the Supreme Court chief justice returns this week from out of state.

Legislators Assisted by Lobby Group

By Stirling Morita
Star-Bulletin Writer

State Rep. Reynaldo Grauly recalls that it was a high-ranking Honolulu District Court official who asked him if he needed help with his political fund-raising event.

Calvin Ching, an administrator who is second in command at District Court, stopped by Grauly's State Capitol office last year. Ching had a list of legislators who were planning events to raise campaign funds and offered to give Grauly a hand with his, Grauly said.

Grauly told Ching that he would welcome some help.

Later, other judiciary employees — Clyde Namuo and Roy Murayama — talked over with Grauly the kind of food he wanted them to serve at the fund-raising event.

Namuo is Circuit Court legal documents officer; Murayama is a lieutenant in the state sheriff's office.

Chicken and noodles were what the Employees for Good Government Service (EGGS) cooked for him, Grauly recalled.

EGGS is a judiciary lobbying group and has rolled sushi and cooked other foods for at least 17 lawmakers this year. There are 76 state legislators.

MOST OF THE 17 legislators say there is nothing wrong with

Hemmings Attacks Sheriff's Office, A-3

EGGS' help and that they don't feel obligated to pass bills supporting the judiciary in return.

They paid for raw materials from EGGS-selected stores — Taniguchi Store, Fred's Produce and Swift Independent Packing Co. — and reimbursed EGGS for costs or services.

But unknown to politicians, judiciary employees, while they were supposed to be on the job, prepared sushi for fund-raising in a District Court kitchen at least 10 times from March 18 through April 15, according to Ian Lind, executive director of Common Cause/Hawaii.

Such activities violate state

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SUSHI SCENE—This is the Honolulu District Court kitchen where Common Cause/Hawaii says court employees during the work day made sushi for political fund-raising events. — Star-Bulletin Photo by Dean Sensui.

Thursday, August 8, 1985

Star-Bulletin

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Legislators Get Help from Lobbyists

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Ethics Commission guidelines forbidding the use of state time and facilities for campaign activities, Lind said.

"Common Cause believes that these extensive political activities cannot help but endanger the independence and objectivity of the state's judicial system," he said.

Although he said he found 16 legislators who paid money for EGGS's fund-raising services, Lind said, "In any case, our criticism is not directed at members of the Legislature, but rather at the courts, which have allowed such organized political activity to become routine."

EGGS SHOWS UP on campaign reports as receiving reimbursements from legislators for rented aluminum trays, paper goods, food preparation and other supplies.

Representatives receiving judiciary employees' help this year were:

—Graulty, D-38th Dist. (Kalihi-Moanalua Valley), \$69.20 for noodles and \$50 for aluminum trays.

—Peter Apo, D-49th Dist. (Waianae-Makaha-North Kauai), \$60.72 for paper goods and \$49.25 for aluminum trays.

—Robert Bunda, D-13th Dist. (Wahiawa-Whitmore), \$14 for aluminum trays.

—Clarice Hashimoto, D-42nd

Dist. (Pearlridge-Pearl City), \$21 for aluminum pans and sterno.

—Mazie Hirono, D-32nd Dist. (McCully-Ala Moana), \$12.40 for supplies.

—Daniel Kihano, D-11th Dist. (Crestview-Mililani), \$6 for salad/pupus.

—Alfred Lardizabal, D-50th Dist. (Lihue-Kapaa), undetermined amount.

—Andrew Levin, D-1st Dist. (Ka'u-Puna-Keaukaha), \$15 for supplies.

—Dennis Nakasato, D-37th Dist. (Kalihi-Kalihi Valley), \$55.25 for aluminum pans and sterno.

—Rod Tam, D-33rd Dist. (Pauoa-Nuuanu), \$39 for aluminum pans and sterno.

—Eloise Tungpalan, D-44th Dist. (Pearl City-Pacific Palisades), \$230 for food preparation.

ON HER CAMPAIGN spending report, Hirono listed EGGS's address as 1111 Alakea St., where the District Court building is located. It would be a violation of the ethics code for a private group to use a state building for its address.

House Speaker Henry Peters doesn't report getting assistance from EGGS for a fund-raiser, but he paid Undersheriff Frederick "Cappy" Caminos \$220 for providing food on the opening day of the 1985 Legislature in January.

Caminos is a Peters' campaign supporter and second in com-

mand of the judiciary-run sheriff's office.

SENATORS GETTING fund-raising help from the judiciary include:

—James Aki, D-24th Dist. (Nanakuli-Makaha—North Kauai), \$19.20 for pupus and \$45 for aluminum trays and sterno.

—Benjamin Cayetano, D-6th Dist. (Waipahu-Mililani), \$354 reimbursement for beer.

—Anthony Chang, D-17th Dist. (Pauoa-Alewa-Nuuanu), \$32.50 for aluminum trays.

—Lehua Fernandes Salling, D-25th Dist. (South Kauai-Nihoa), \$18 for aluminum trays.

—Charles Toguchi, D-8th Dist. (Lale-Kaneohe), \$60 for supplies.

Although an EGGS's expenditure didn't appear on her report, Sen. Ann Kobayashi, R-14th Dist. (Manoa-Makiki), said judiciary employees prepared a small amount of sushi for her May fund-raising event.

LIND SAID THAT judiciary employees prepared maki sushi, cone sushi or rice balls on March 18, 20, 21, 22, 27 and 28, and April 4, 8, 9 and 15. This activity took place in the small kitchen on the second floor of the District Court building.

Those dates coincide with fund-raisers held by nine representatives.

"Legislators were apparently largely unaware that the food and bar services provided by the judiciary group involved violations of ethics laws and guidelines," Lind said.

Asked about the influence of EGGS's fund-raising assistance, Hashimoto replied, "If Common Cause thinks we're so stupid, so cheap that we go vote for somebody who buys us a plate lunch,

they've got another think coming."

Tungpalan, Hashimoto and Graulty noted their opposition to the controversial bill that would have granted state administration and judicial officials pay raises.

Tom "Fat Boy" Okuda, acting administrative director of the courts, lobbied heavily for passage of that measure, which died in this year's legislative session.

Senate Judiciary Chairman Chang said he approved no increases in the judiciary's budget but was overruled by legislative finance committees.

CHANG AND Hashimoto said some of their supporters are judiciary employees who helped get them EGGS's help. Chang said the help supplied by EGGS is minor when compared to assistance of other supporters.

Tungpalan said she has family members employed by the judiciary and that EGGS's support came through them. Tungpalan doesn't like the present form of campaign financing, but until the public accepts public financing, legislators will have to accept help from many different people, she said.

Other legislators get help from special-interest groups, such as business or unions, Tungpalan said.

Tungpalan and Cayetano said the sheriff's office makes arrangements for food supplies from Taniguchi Store, Fred's Produce and Swift because they have good prices.

Cayetano said he welcomes campaign help from anyone.

Nakasato said he got EGGS's assistance after asking one of the judiciary employees who is frequently at the State Capitol.

Judiciary Lobbyists Hit for Asking Employees to Help Fund-Raisers

By Stirling Morita
Star-Bulletin Writer

The state Farm Fair and football games at Aloha Stadium have a lot in common with some state judiciary employees.

The popular events provide money-making opportunities for a lobbying organization chiefly composed of state and judiciary workers.

But Common Cause/Hawaii says the lobbying group — Employees for Good Government Service, or EGGS — has violated the state ethics code in those fund-raising events.

Ian Lind, Common Cause executive director, says he has information that shows judiciary employees were asked to staff a booth selling pizza and stew with rice at last month's Farm Fair at McKinley High School.

They were also recruited to work at a food concession booth during the football season at Aloha Stadium along with other community and civic groups.

"Each court office or division is assigned jobs to do or days to

work, and sign-up lists are circulated through each office," Lind said yesterday.

EGGS lobbies for judiciary bills at the state Legislature and prepares food for legislators and other politicians for their fund-raising events or parties.

RECENT OPINIONS by the state Ethics Commission says legislators can't mail campaign solicitations to state employees at their offices and state officials can't distribute political solicitations received in the mail to board and commission members.

Ethics guidelines say: "Solicitations by legislators or employees should not be combined with the conduct of official business."

In a news release today, Allen Hoe, Ethics Commission chairman, said, "It is our hope that adherence to the guidelines issued by the commission will ensure the public that use of state time, equipment or other facilities for campaign purposes will not occur."

COMMON CAUSE received a

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EGGS Accused of Ethics Violations in Fund Raising

Continued from Page One

Farm Fair schedule that was given to judiciary employees, Lind said. It designates days and shifts different court divisions were to work at the EGGS food booth and the high-level official with whom to sign up.

The schedule shows work days assigned to the "sheriff's office girls," driver education, fiscal section, probation, court reporters, judicial services, data processing and Circuit Court legal documents section.

Clyde Namuo, Circuit Court legal documents officer and EGGS's vice chairman, said he couldn't respond to Common Cause's charges because "I don't know if it was" distributed through various court offices during working hours.

He said Lt. Roy Murayama of the sheriff's office, EGGS's chairman, might know about the schedule. Murayama's secretary said he wasn't in the office yesterday.

PAULINE NAMUO, driver education officer and Namuo's wife, said she didn't authorize anyone to put her name as a contact person on the EGGS's list. She said she didn't ask and didn't sign up workers to staff the Farm Fair booth.

Nancy Taniguchi, District Court fiscal officer, said the list wasn't circulated through the office and wasn't posted. But she acknowledged asking people during lunch hours in the office if they were free to work in the Farm Fair after work.

For two years, EGGS has han-

dled a food concession booth during University of Hawaii Aloha Bowl and Hula Bowl football games at the stadium, said Harvey Suda, manager for Canteen Corp. Canteen recently was replaced as stadium concessionaire.

CANTEEN USED to enlist the help of non-profit community groups to man the 11 concession booths in the upper level of the stadium during football season because it was difficult to keep part-time workers for the whole year, Suda said.

EGGS staffed one booth, and the 10 other stands were run by groups such as the Kaimuki High School Band Club, Millilani Lions Club and Pearl City High School Letter Club.

Tom "Fat Boy" Okuda, acting administrative director of the courts and judiciary lobbyist, is a member of the Stadium Authority, which oversees the operations of the stadium.

But Suda said Okuda or judiciary employees never tried to use influence to win the right to run a concession stand.

"They get no special preferences," Suda said.

Canteen used to prepare the food, and the community groups served it to football fans, Suda said. In return, the groups were paid commissions. At a big game, a group could earn from \$200 to \$300, he said.

Canteen saved on payroll costs, and the setup allowed community groups to raise money for their causes, Suda said.

Star-Bulletin

NIGHT FINAL

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Friday, August 9, 1985



Chief justice back from trip; checking impropriety charges

By James Dooley
Advertiser Staff Writer

Hawaii Supreme Court Chief Justice Herman Lum is conducting a "thorough assessment" of recent charges of improper political activities within the state judiciary, his office said yesterday.

Lum was on an extended business trip to the Mainland during the past month when the public action group Common Cause and state Sen. Fred Hemmings criticized political lobbying activities by judiciary workers and questioned the size of the budget for the state Sheriff's Office.

Common Cause executive director Ian Lind said this week that judiciary employees have used state time and state facilities to help cater fund-raisers for legislators through a registered lobbying group called Employees for Good Government.

Lum returned to work Thursday.

His office said yesterday he "has directed that no political meetings take place on Judiciary property and that there be no inappropriate kitchen use in court buildings."

According to the office statement, Lum said that if any of the charges of improper activities are proven, "he will take

full responsibility for the situation; and he gives assurance that appropriate and necessary corrective action will be taken."

The press release also said that Lum "ventures that his concentration on reduction of case backlog since taking office possibly has resulted in diminished attention to other areas of court activity."

The chief justice "will turn his full attention to these areas, including the Sheriff's Office," the release said.

Judiciary public information officer Carol Dodd said the results of Lum's "assessment" may be known in approximately two months.

The Honolulu Advertiser

★★ Saturday, August 10, 1985 A-3

Independent Panel Urged for Judiciary Investigation

By Stirling Morita
Star-Bulletin Writer

Common Cause/Hawaii says Chief Justice Herman Lum should empanel an "outside" committee to investigate charges of ethics violations by some state judiciary employees.

"Given that there are so many high-level judiciary administrators involved, it might be difficult to look into the matter," Ian Lind, Common Cause executive director, said yesterday.

Lum returned to his office yesterday after a month-long trip to the Mainland and London, where he attended professional conferences.

He told reporters he will conduct a "thorough assessment" of the allegations against judiciary employees.

LIND SAID he will ask to meet with Lum so he can suggest that the chief justice look for a blue-ribbon panel without ties to high-ranking judiciary officials to investigate charges of politicking, ethics violations and wasted taxpayers' funds.

Tom "Fat Boy" Okuda, acting administrative director of the courts, has been linked to many of the activities, Lind said. Other court officials are tied to Employees for Good Government Service (EGGS), a lobbying

organization made up of judiciary employees.

Those officials include Clyde Namuo, Circuit Court legal documents officer; Lt. Roy Murayama, head of the penal summons division of the sheriff's office, and Calvin Ching, a District Court administrator.

Numerous court division supervisors have been recruiting workers to spend part of their workdays rolling sushi for state legislators' fund-raisers, Lind said.

"So many people in the judiciary are involved," he said.

LUM, IN a written statement,
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Chief Justice Orders Judiciary Probe

Continued from Page One

promised he will take "the appropriate and necessary corrective actions" if the allegations are true. On his first day back on the job, Lum met with Okuda.

Lum also met with city Prosecutor Charles Marsland. The prosecutor's office is reviewing information about the sheriff's office provided by a legislator.

The chief justice said he might not have spent enough time watching over the administration of the court system because he has been working on reducing the backlog of cases. However, he said, he now will take an active role in administering the court system, including the sheriff's office.

Lum said he has ordered that no political meetings be held on judiciary property and that there be no inappropriate kitchen use in court buildings.

But, he said, that directive doesn't mean that such activities have taken place.

THE CHARGES that have been

made by Common Cause and Republican Rep. Fred Hemmings in the past month, include:

- ✓ Ethics violations by Okuda for improper lobbying.
- ✓ Possible criminal wrongdoing because of withholding of warrants by the sheriff's office.
- ✓ Waste of taxpayers' money for sophisticated weapons and

guard dogs for the sheriff's office.

- ✓ Purchase of eight cars for the sheriff's office without going through competitive bid procedures to secure the lowest price possible.

If the allegations are true, Lum said, he will accept "full responsibility for the situation."

Independent probe of Judiciary urged

By Robin Phillips
Advertiser Staff Writer

Hawaii's court system may lose the public's trust if state Chief Justice Herman Lum doesn't create an independent investigation of state Judiciary employees, according to Common Cause/Hawaii.

Ian Lind, Common Cause executive director, said yesterday he hopes to meet with Lum this week. He will urge Lum to ask an outside group to investigate charges of improper political activities by some state Judiciary employees or to form a politically balanced investigative committee.

Lum's office announced Friday that he will conduct a "thorough assessment" of charges, made while he was on a trip to the Mainland this past month.

The charges came from Common Cause and state Sen. Fred Hemmings, who criticized politi-

cal lobbying by some Judiciary workers and who questioned the size of the budget for the state Sheriff's Office.

Lind also said last week that Judiciary employees, working for a registered lobbying group called Employees for Good Government, used state time and facilities to cater fund-raisers for legislators.

Lum returned to work Thursday and a statement from his office Friday said he "has directed that no political meetings take place on Judiciary property and that there be no inappropriate kitchen use in court buildings."

A spokeswoman for the Judiciary estimated the investigation will take about two months.

Lind said he is worried about Lum's ability to get an honest assessment of political activity by his staff.

"We fear that because so many high-level administrators from the Judiciary have been in-

involved, including people the chief justice would normally rely on to conduct such an investigation," Lind said yesterday.

Lind said he is concerned that the investigation might "get buried in feedback" from those people involved in the charges.

"If he just asks them to report on their activity, it won't work," Lind said. "But, the first thing we have to do is find out what the chief justice has in mind."

Lind said he will ask Lum to consider using outside investigators, such as the State Bar Association, the League of Women Voters or a retired justice. He said he also will suggest that a separate study develop ethics guidelines that would give Judiciary employees conflict of interest standards for any political activity.

"We are not advocating a hatchet approach that would prohibit any kind of political activity," he said, "but it is this organized, centralized political approach that has us worried."

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A-10

Monday, August 12, 1983

LETTERS to the Star-Bulletin

Judiciary Defended

Common Cause/Hawaii would have us believe that the integrity of the courts is being compromised by the lobbying efforts of its acting administrative director. This is not true.

If anything, Tom Okuda has helped the Legislature see the problems and effects caused by its legislation. This has allowed the judiciary to cope with changes required to provide equal justice for all in Hawaii.

As a judiciary employee, I have never felt coerced into doing anything which was contrary to my beliefs. During my off hours, I have been approached by friends to help out at different political functions. It was always my choice whether or not to participate.

Common Cause presents unwarranted allegations against the judiciary which are destructive and vindictive in nature.

Many judiciary employees are upset by the amount of bad press which we have unjustly received, press which is unfair, harmful, and spiteful.

Little attention has been paid to the contributions made by the judiciary.

Contrary to what Common Cause would have us believe, the judiciary is made up of very dedicated people — dedicated to the principles of justice and maintaining the impartiality of our court system.

This is a court system I am



Okuda

Hemmings

Rep. Fred Hemmings has launched a mindless attack on the sheriff's office and judiciary budget.

I am no friend of complacency, but the public must be made aware that Hemmings voted for the budget which he is now criticizing. This duplicity bewilders me.

If Hemmings feels that the sheriff's budget is exorbitant, why is he only raising the issue now? Why were these questions not raised during the legislative session when something could have been done about them?

It's about time we elect people who vote in accordance with their stated positions and discredit those who do not. Hemmings must be held accountable for his words in view of his actions.

No one will deny that the sheriff's office and the judiciary can be improved in many areas. There are many people currently working to that end.

If Hemmings would offer constructive criticism rather than fodder for political gain, perhaps he would be doing more for his community.

Mitchell A. Imanaka

Opinion

The Maui News

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8/13/85

Common Cause is on the right track

We were raised with the belief that people involved in the judiciary branch of government somehow park their tacky politics at the door. A nation that has become accustomed to all manner of political machinations still harbors the naive idea that through the portals wherein justice lies pass only those who answer to the highest calling.

The Honolulu papers have been unfolding a story of not only unseemly conduct among state judiciary employees, but pretty tacky stuff at that.

When one might possibly doff a hat to cheating on the grand scale a la Rewald, where is the class in rolling sushi in government offices on government time? And doing it in the sweet name of Employees for Good Government! This last is a neat touch that at least adds some humor to the transgressions.

editorial

Common Cause is on the right track when it requests from Chief Justice Herman Lum a complete investigation of the political practices in his bailiwick. The group is asking that a thorough objective study be done, and that automatically leaves out members of his branch of government. Outside investigators are certainly the order of the day.

Common Cause is asking too that the chief justice arrange to have a code of ethics drawn up for judiciary employees. The group feels that such conflict-of-interest guidelines should be spelled out. Come on now, does anybody believe that the sushi rollers did not understand that their behind-the-scenes political enterprise was wrong? Our naivete does not extend this far.

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A-12

Tuesday, August 13, 1985

Investigating Charges Against Court System

Chief Justice Herman Lum, back from a month-long trip, has pledged a thorough assessment of charges of abusive practices by state judiciary employees. That is a welcome, though belated, response to weeks of disclosures of questionable activities involving the sheriff's office and other judiciary workers.

The chief justice is responsible for administration of the court system. But he acknowledged that he might not have given his administrative responsibilities as much attention as required. He said in a statement that he would now take a more active role in such matters.

Lum disclosed that he had ordered a ban on political meetings on judiciary property and the use of kitchens in court buildings for inappropriate purposes (read that political events). He said the directive did not imply that such activities had taken place, but our reports have shown that they have in fact occurred.

Employees of the state court system have been organized into a formidable political lobbying group under Tom "Fat Boy" Okuda, the acting administrative director. Common Cause has charged that these lobbying activities have violated provisions of the state ethics code.

In addition, the sheriff's office, which is administered as part of the judiciary, has sharply expanded its staff and weapons arsenal, prompting charges of waste by Rep. Fred Hemmings. Such practices as issuing deputy sheriff's badges to legislators and withholding of warrants have also been criticized.

In other words there is a lot for the chief justice to investigate. And the task is complicated by the fact that a number of court officials may be implicated.

The director of Common Cause suggests that Lum appoint a blue-ribbon panel without ties to those officials to conduct the investigation. That seems advisable if the chief justice really intends to get to the bottom of these charges and do the housecleaning that seems in order.

The Honolulu

Aloha!

Today is Wednesday,
Aug. 14, 1985

Advertiser

Final Edition

Panel will probe judiciary's actions

By James Dooley
Advertiser Staff Writer

A five-member citizens' panel has been appointed to investigate allegations of improper administrative and political lobbying activities in the state judiciary. Supreme Court Chief Justice Herman Lum said yesterday.

And Tom "Fat Boy" Okuda, named acting administrative director of the courts two months ago by Lum, has resigned from that position to allow the panel to "proceed more easily and expeditiously" with its assessment, Lum said.

Okuda returns to his position as deputy administrative director of the courts, in charge of the District Court system. Retired Circuit Judge Toshimi Sodehara will replace Okuda as acting administrative director, Lum said.

Political lobbying activities undertaken by judiciary employees every year at the Legislature have been overseen by Okuda. The public action group Common Cause has been extremely critical in recent weeks of the lobbying program, alleging that state employees contribute state time and labor

An editorial, "Lum's firm moves," on Page A-12.

to the lobbying efforts.

Okuda has refused to comment for the past two weeks about the allegations, saying he would defer to Lum, who returned to Honolulu last week after an extended business/vacation trip.

Lum said yesterday he has made a preliminary assessment of the allegations against the judiciary.

He said he was creating the citizens' panel because of the gravity of the allegations and because of his "concern that there be no perception that we are participating in a 'cover-up' and in view of my strong feeling that we owe our citizens clear, studied answers to all of the concerns which have been raised."

Members of the panel are:

- Herbert Cornuelle, former president of Dillingham Corp.
- Dorothy Lum, president of the League of Women Voters.
- David L. Fairbanks, past president of the Hawaii State Bar Association.

● Retired Circuit Judge Masato Doi, now a private attorney.

● Circuit Judge Daniel Heely, former head of the Disciplinary Board of the state Supreme Court.

"This panel has been given authority to hire its own legal counsel to assist with its work," Lum said.

"I will await the findings and recommendations of the panel and take such corrective measures deemed necessary."

Lum read a prepared statement yesterday about the panel. He declined to answer questions about the matter.

Carol Dodd, judiciary spokeswoman, said she expects the panel will take "a couple of months" to conduct its inquiry and make recommendations to Lum.

State Sen. Fred Hemmings, who, along with Common Cause, has been outspoken in criticisms of the judiciary and the state Sheriff's Office in recent weeks, said yesterday he was "thrilled" by Lum's action and by the "high-caliber and independently minded panel."

Hemmings expressed "confidence that the investigation and subsequent findings will result in meaningful change."

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Justice Lum Picks Panel to Probe State Judiciary

By Stirling Morita
Star-Bulletin Writer

Chief Justice Herman Lum has selected five community leaders to investigate allegations of ethics violations and improper politicking by high-ranking state judiciary employees.

Common Cause/Hawaii and state Rep. Fred Hemmings, who had leveled most of the charges, lauded Lum's action. They said he has chosen respected people to look into the matter.

Lum also announced yesterday that Tom "Fat Boy" Okuda has voluntarily stepped down from the top administrative job in the judiciary. Replacing him, as acting administrative director, will be retired Circuit Judge Toshimi Sodeani, Lum said. Okuda will return to his former job of deputy administrative director overseeing the District Court operations and the sheriff's office.

PANEL MEMBERS are:

✓ Circuit Judge Daniel Heely, who had served as chief disciplinary counsel to handle ethics cases against attorneys from 1978 to 1981.

✓ Retired Circuit Judge Masato Doi, who has been an attorney

in private practice since 1979 after 13 years on the bench.

✓ Herbert Cornuelle, board chairman of Campbell Estate and former president of Dillingham Corp.

✓ Dorothy Lum, president of the Hawaii League of Women Voters.

✓ David Fairbanks, past president of the Hawaii Bar Association and former chairman of a federal judge selection panel established by Sens. Spark Matsunaga and Daniel Inouye.

Lum, at yesterday's news conference, said he took the actions "in view of their (allegations) seriousness, my concern that there be no perception that we are participating in 'cover-up,' and in view of my strong feeling that we owe our citizens clear, studied answers to all of the concerns which have been raised." The chief justice read a prepared statement and declined to answer reporters' questions.

Lum authorized the panel to hire its own attorney and investigate allegations "about administrative practices within the sheriff's office and questionable lobbying efforts by some of our employees."

He said the panel will issue "findings and recommendations," and he will "take such corrective measures deemed necessary."

"IT SOUNDS like a very reasonable approach. It would appear that good people have been chosen to investigate," said Ian Lind, Hawaii Common Cause executive director.

"I'm extremely impressed with the caliber of people the chief justice selected, people of the highest integrity," said Rep. Hemmings, a Republican. "I'm sure they will investigate all aspects and come up with a meaningful report."

"I'm extremely pleased that the chief justice recognizes that there is a problem and has taken affirmative action to clear up the problem," Hemmings said.

He and Lind said they are willing to cooperate in the panel's probe.

Hemmings has charged that the sheriff's office is wasting taxpayers' money by buying unneeded weapons and other

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Chief Justice Herman Lum
No perception of a "cover-up"

Justice Lum Picks Panel for Judiciary Probe; Okuda Quits Post

Continued from Page One

equipment. He also has alleged that the sheriff's office has been involved in illegal activities, such as withholding service of warrants.

Lind has said that judiciary employees are recruited to roll shi for political fund-raisers while on the job. Common Cause also has raised questions about the solicitation of judiciary employees to help raise money for

a lobbying organization made up mostly of judiciary workers.

That organization has catered fund-raisers for many state lawmakers and provided lunches for legislative committees that oversee the judiciary's budget.

The Star-Bulletin also reported about a Democratic Party meeting that was held in a Honolulu District Court office and about eight sheriff's cars that were purchased without competitive bids.

THE CHIEF JUSTICE said Sodemani agreed to come out of retirement to assume the top administrative job on a temporary basis. Known as a low-key judge in his 10 years on the bench, Sodemani is best known as the judge who presided over the Kukui Plaza bribery trial of Mayor Frank Fasi.

Bribery charges against Fasi were dismissed when the state's key prosecution witness refused to testify against Fasi.

Okuda has been the target of many of the allegations. He had been acting administrative director since Lester Cingcade resigned the job in mid-June.

IN A LETTER to the chief justice, dated yesterday, Okuda said, he voluntarily resigned as acting administrative director.

"I do so because I believe that it is in the best interests of the judiciary to name an impartial citizens committee to look into

questions recently raised about court administration. Should you decide to name such a committee, its work will proceed much more easily if I did not hold my current position," Okuda wrote.

"I wish to state my belief that I have not participated in any wrongdoing. Further, I believe that my workers are not guilty of any wrongdoing. I submit this letter because I do not wish in any way to impede the work of the committee."

Okuda said he will "encourage my employees" to provide the panel with information.

"I have never wished to cause embarrassment to the judicial institution or the chief justice, with whom my first loyalties lie," he said.

Okuda is the judiciary's chief lobbyist at the Legislature. He has worked for the judiciary since 1950 and became director of the Traffic Violations Bureau in 1961.

Ethics Panel Joins Probe of Judiciary

**Will Target
Political
Activities**

By Stirling Morita
Star-Bulletin Writer

The state Ethics Commission apparently will investigate charges of unethical conduct by some judiciary employees for their political activities and lobbying at the State Capitol.

Star-Bulletin
NIGHT FINAL

A Gannett Newspaper

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HONOLULU, HAWAII, Wednesday, Aug. 14, 1985

Eleven Sections VOL. 74, NO. 226 120 Pages 35¢

The commission this morning, in a rare public statement, said it is committed to enforce the state ethics code and lobbying law "in response to recent publicity concerning actions of certain state employees."

The news release didn't specify which state employees. However, a source close to the commission said it would be reasonable to conclude that the panel on its own will investigate activities by judiciary employees.

THE ANNOUNCEMENT means that three government agencies are now looking into the operations of the judiciary.

Chief Justice Herman Lum yesterday appointed a citizens' panel to investigate allegations of improper lobbying by the judiciary and questionable administrative practices by the sheriff's office. (See accompanying article.)

The city prosecutor's office is reviewing allegations of possible misconduct by the sheriff's office, including a charge that it has withheld service of arrest warrants.

Catherine Chang, executive director of the Ethics Commission, declined comment on the commission's news release because of a state law which makes the commission's actions confidential.

Tim Scott Farr, commission vice chairman, said, "While the commission cannot comment publicly on matters brought before it, the public may rest assured that the commission's power to investigate any charges of improper conduct will be exercised and its duties discharged accordingly."

COMMON CAUSE/HAWAII has charged that Tom "Fat Boy"

Turn to Page A-4, Col. 2

Ethics Panel to Probe Judiciary

Continued from Page One

Okuda, deputy administrative director of the courts and the judiciary's chief lobbyist, has violated the ethics code through improper lobbying.

The Ethics Commission has issued a number of opinions forbidding use of state time and facilities for political or private purposes. It also has frowned on the solicitation of state workers at their offices.

Common Cause has also said judiciary workers were told to prepare food for political fundraising events during working hours in a Honolulu District Court kitchen.

Also, judiciary employees are solicited during the work day to help a lobbying organization raise funds, Common Cause has charged.

AT LEAST one meeting involving the Democratic Party has been held in a District Court office.

"The commission already possesses the power to subpoena documents and to call witnesses, to file charges when supported by fact, and to find the appropriate conclusion when all the evidence is reviewed," Farr said.

"In addition, the commission may finally recommend that the appropriate disciplinary actions be taken by the governor, legislative leaders or the chief justice, as appropriate, and may make public its conclusions at that time," Farr said.

The Honolulu Advertiser

Final Edition

Oahu Edition 85c
Beyond Oahu 90c

Aloha!

Today is Thursday,
Aug. 15, 1985

Ethics panel to push judiciary probe

By Jerry Burris
Advertiser Politics Editor

Charges of potentially unethical political activities and lobbying by state judiciary workers won't be ignored, the state Ethics Commission implied in a news release yesterday.

"While the commission cannot comment publicly on matters brought before it," said Commission Vice Chairman Tim Scott Farr, "the public may rest assured that the commission's power to investigate any charges of improper conduct will be exercised and its duties discharged accordingly."

The statement was issued "in response to recent publicity concerning

action of certain state employees."

The commission's somewhat unusual statement follows on the heels of an announcement Tuesday by Chief Justice Herman Lum that he has appointed an independent citizen panel to investigate the same charges.

Lum's decision to have an independent five-member citizen group investigate the charges was praised by those who brought many of the charges: Republican state Rep. Fred Hemmings and the citizen lobbying group Common Cause.

Ethics Commission sources suggested the statement was in reaction to that strong positive public reaction to Lum's

announcement of an independent investigation.

"We are happy that other steps are being taken, but we want the world to know they aren't the only steps," said a commission member.

The Ethics Commission's statement did not mention any particular state agency or any particular charge. But it was clear the panel's reference was to the charges against the judiciary and the activities of the judiciary's Sheriff's Office.

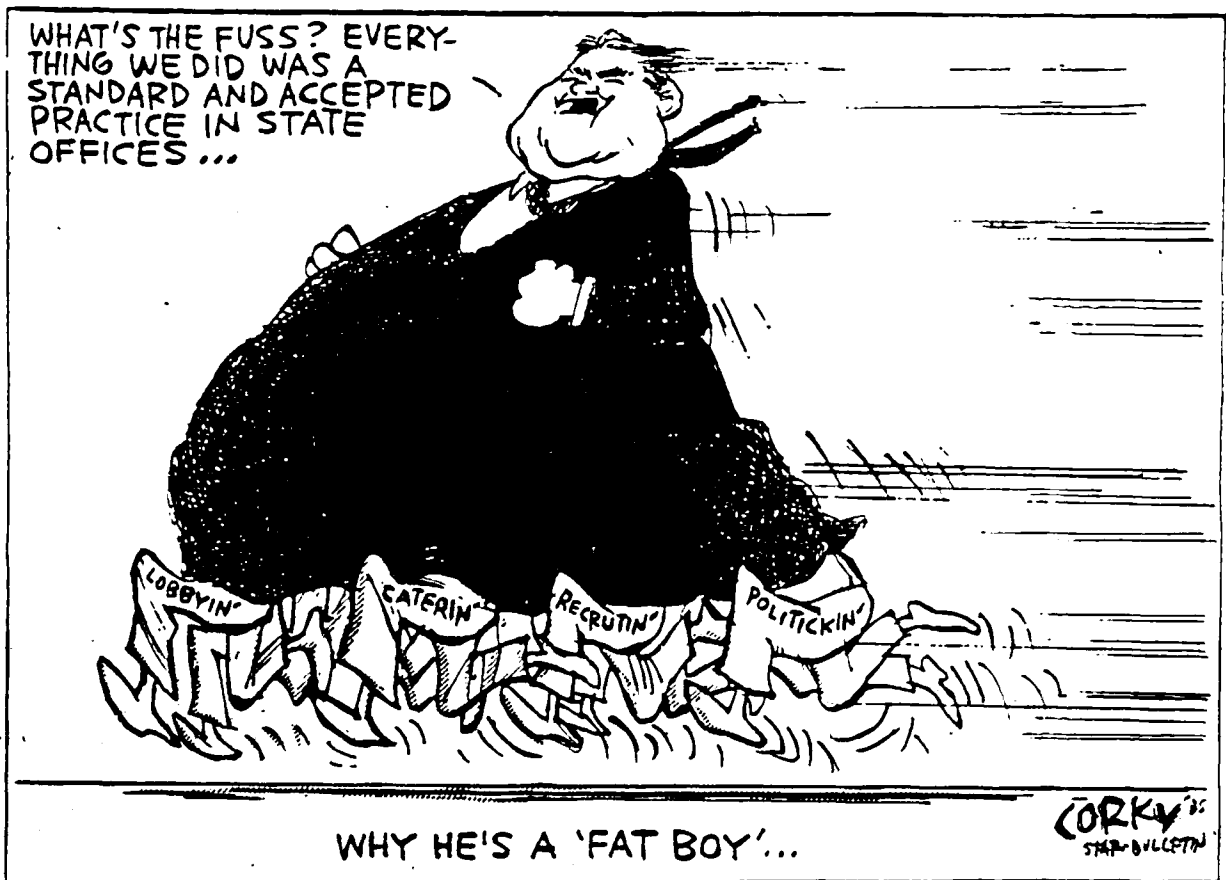
Hemmings has claimed the Sheriff's Office has wasted money, has escaped legal budget review and is operating without proper political supervision.

Common Cause questioned the legality of judiciary department lobbying and campaign activities involving active courts personnel.

The full commission met for the first time yesterday since Common Cause raised the ethics questions in early July.

The commission, Farr noted, has the power to subpoena documents and call witnesses and file charges. It can recommend discipline to the proper administering authority.

In addition, the city Prosecutor's Office is believed to be looking into allegations of possible misconduct by the Sheriff's Office, possibly involving the withholding of traffic arrest warrants.



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A-14

Thursday, August 15, 1985

Honolulu Star-Bulletin

A GANNETT NEWSPAPER

Judiciary Lobbyists Try Music

Play 'Poor-Mouth' Tune During Legislative Budget Meetings

By Stirling Morita
Star-Bulletin Writer

Late one night, near the end of the 1985 legislative session, judiciary workers sat in cushioned chairs clustered along the railing of the open-air corridor on the fourth floor of the state Capitol.

A Japanese song blared from their portable tape recorder. It was a tune that had been played over and over again for several nights, filling the courtyard with its haunting melody.

The legislative money managers, led by Rep. Ken Kiyabu and Sen. Mamoru Yamasaki, were meeting on the floor below — as they had on previous evenings — working out the details of the executive and judiciary budgets.

The popular 1940s song, a favorite among local Japanese, head and wife

lamenting that they had no money, but saying they would eventually get some.

Legislators whispered that the song was a message to them from Tom "Fat Boy" Okuda, the judiciary's chief lobbyist.

News reporters saw the judiciary workers leave for a while, disappearing into an interior office. They would return later, but what they were doing was never determined.

AT OTHER TIMES during the session, other judiciary employees served bentos, or box lunches, to the legislative committees that control the judiciary's \$46.2 million budget.

More high-level judiciary officials were meeting legislators in their offices asking them if they needed help to prepare food for their political fund-raising events.

Some of the sushi for those fund-raisers was prepared by judiciary workers apparently on state time in a tiny kitchen in an out-of-the-way area of the Honolulu District Court building on Alakea Street.

Okuda was rarely seen in a legislative hearing room but made his contacts with important lawmakers in their offices. On any given night after 6:30 p.m., Okuda, wearing his familiar Island Termite windbreaker, could be seen going into the Capitol office of House Speaker Henry Peters.

WHEN THE judiciary budget came before legislative committees, lawmakers weren't informed that the sheriff's office needed extra money to buy Uzi machine guns and laser-directed sniper scopes.

There was almost no discus-

sion about the need for a \$110,000 canine corps for the sheriff's office.

Although the Judiciary committees of both houses trimmed that budget, conferees of the Senate and House finance committees quickly restored most of the judiciary's money requests.

The judiciary budget increased 21.6 percent over the previous year, far more than any other government agency.

LEGISLATORS say the judiciary's lobbying techniques don't affect their performances.

There is nothing wrong with a state employee trying to do something to enhance government, they say.

But Common Cause/Hawaii and Rep. Fred Hemmings have begun to question those lobbying

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Judiciary Lobbyists Try Many Ploys

Continued from Page One

efforts and the administration of the court system.

Legislators and others say many of the questions raised are old ones. So why all the fuss now, they wonder.

Frustration of court workers over the political activities is the chief reason, say Hemmings and Ian Lind, Common Cause's executive director.

What started out as complaints by a House staffer and a deputy sheriff have evolved into three investigations.

On July 3, Common Cause issued a report accusing Okuda, then acting administrative director of the courts, of operating a political army within the judiciary and violating the state ethics code.

Common Cause also charged that Okuda fixes traffic tickets for legislators and does other favors for them.

AFTER THAT, numerous court employees contacted Common Cause complaining of irregularities in the courts operations, Lind said.

"A lot of it is prompted by employees within the court system who are angry about the way things are done and how it affects them," Lind said.

"Legislative politics relating to the judiciary have been gradually changing. The judiciary isn't the dominant force it used to be there," Lind said. "There's more criticism voiced privately by legislators in terms of encouraging us and others to pursue their questions."

Two weeks after Lind issued his report, Republican Hemmings held a news conference attacking the waste of taxpayers' money in building a state police force out of the judiciary-run sheriff's office.

Among other things, Hemmings said, the sheriff's office is given legislative approval to buy unneeded weapons and dog-team equipment and duplicates the efforts of law enforcement agencies.

Hemmings also criticized possible criminal conduct by the sheriff's office, including the withholding of arrest warrants for traffic violations.

SINCE THEN, the GOP legislator has received numerous telephone calls from disgruntled court employees, Hemmings said.

Police Chief Douglas Gibb and U.S. Marshal Faith Evans also have questioned the need for the sheriff's office to have sophisticated machine guns.

During the time these charges were made, Okuda was on vacation and didn't return phone calls. Chief Justice Herman Lum,

who oversees the operations of the court system, was out of town on vacation and to attend professional conferences.

Requests for information from the courts about the allegations and the weapons were placed on hold until Lum returned to work.

The judiciary eventually released information about eight cars purchased by the sheriff's office without going through the state's competitive bid procedures.

Some of those cars were bought from a Hertz Corp. salesman who has a deputy sheriff's badge.

AFTER YEARS of refusing to file reports, a lobbying organization run by judiciary employees submitted its expense disclosures to the state Ethics Commission.

The disclosures show that, in the first six months of this year, the Employees for Good Government Service bought Valentine's Day candy for Gov. George

Ariyoshi, Senate President Richard Wong and Speaker Peters and provided lunches for the four committees through which the judiciary budget must pass.

A District Court official later held a meeting in his office about the Democratic Party golf tournament, possibly violating state ethics guidelines forbidding use of state facilities for political purposes.

Common Cause said judiciary workers were ordered to make sushi during working hours for many of the 19 legislators whose fund-raisers were catered by EGGS.

Common Cause also charged that EGGS recruited judiciary employees, again during working hours, to staff food booths at various functions to raise money for the group.

These activities apparently violate state ethics guidelines that bar use of state time and facilities for private purposes.

Hemmings later said some

civil service laws were broken by the promotion and hiring of certain judiciary employees.

JUSTICE LUM returned to Honolulu last week, vowed to take action if necessary and later impaneled a citizens committee to investigate the matter.

The Ethics Commission also said it will look into the allegations.

The recent developments don't mark the first time the sheriff's office has encountered problems.

The Star-Bulletin reported about an "Office of the Sheriff" account kept by Sheriff James "Packy" Kim, who said it was his own personal revolving fund for legal document service fees.

The attorney general's office subpoenaed the records of the sheriff's office in 1983 and investigated Kim's bank account. Deputy attorney generals were checking into a complaint that only certain deputy sheriffs get court papers that are easy to serve in the downtown area.

Judiciary budget needs controls, Ariyoshi says

By Jerry Burris
Advertiser Politics Editor

The fast-growing judiciary budget should be returned to some sort of overall administrative control by the governor and his administration, Gov. George Ariyoshi suggested yesterday.

Ariyoshi was responding to news media questions about the recent controversy over the growth of the judiciary budget and allegations of improprieties in the way the court system lobbies for its money and in the way the funds are spent.

The allegations have been raised primarily by the citizen lobbying group Common Cause and by Republican state Rep. Fred Hemmings.

Chief Justice Herman Lum has appointed a five-member independent panel to investigate the charges. The state Ethics Commission and the city prosecutor are also reviewing judiciary lobbying and spending activities.

Ariyoshi declined to comment on the specifics of allegations against court system operations or personnel. But he did admit to "some real concerns" about the way the judiciary's budget is

currently handled.

Since the 1978 Constitutional Convention, the judiciary has been free to present its budget directly to the state Legislature without prior review or consolidation with the overall state administration budget.

In the years since the change was made, the judiciary's operating and construction budget has grown rapidly, outstripping the overall state budget in total percentage growth. For several years, the judiciary budget actually exceeded its constitutional state spending ceiling, while the administration budget was kept rigor-

ously below that legal limit.

Lawmakers also admit that they have been given relatively few details of how the judiciary budget will be spent, while the administration is required to submit line-by-line justifications for its spending.

It may be time, Ariyoshi said, to return the judiciary's spending to some sort of overall administrative controls.

"At one time, all judiciary budgets came through (the administration's budget and finance office)," Ariyoshi said.

"But the Constitutional Convention eliminated that. I don't even know

what they submit. There is no review process. I sign it but it is almost pro forma.

"I have no power to restrict the money the judiciary spends."

Ariyoshi said Lum has cooperated in enforcing his own spending controls on the judiciary, but there is no formal coordination with overall state budget planning. And the judiciary's spending, he said, comes first.

Ariyoshi said it may be time to look at restoring "one central control" on "overall expenditures" while continuing to leave detailed budget authority within the courts system.

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Final Edition Oahu Edition: 35c
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Aloha!

Today is Wednesday,
Aug. 21, 1985

IN HAWAII

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Citizens Panel, Justice Lum Confer

By Stirling Morita
Star-Bulletin Writer

A citizens panel that will investigate allegations against certain state judiciary workers met yesterday with Chief Justice Herman Lum to determine the scope of its work.

Dorothy Lum, a co-chairman of the panel, declined comment on the scope of the investigation which will be detailed in a news release later this week.

Asked if questions about the expanded role of the judiciary-

run sheriff's office will be reviewed, Lum replied, "I'm sure it's something that will be discussed."

State Rep. Fred Hemmings charged that the sheriff's office has rapidly grown and become a statewide police force — an unconstitutional role for the judiciary.

About two weeks ago, Chief Justice Lum appointed the five-member panel to look into charges of questionable administrative practices in the sheriff's office and improper politicking

and lobbying by high-ranking court officials.

Yesterday was the first chance the chief justice had to go over the ground rules with all the panel members. Circuit Judge Daniel Heely, a panel member, returned this week from a two-week vacation.

ATTORNEY David Fairbanks, past president of the Hawaii Bar Association, was picked by the panel to be its other co-chairman, Mrs. Lum said. Masato Doi, a retired Circuit Court judge,

and Herbert Cornuelle, Campbell Estate board chairman, are the other two panel members.

The panel's meeting schedule is still being worked out, said Mrs. Lum, president of the Hawaii League of Women Voters.

The chief justice has said he will "take such corrective measures deemed necessary" based on the panel's findings and recommendations.

Hemmings charged that the sheriff's office is wasting taxpayers' money by buying sophisticated weapons and equipment

and operating an unneeded canine corps.

The sheriff's office also has been involved in illegal activities, such as withholding arrest warrants, Hemmings said.

Common Cause/Hawaii has accused Tom "Fat Boy" Okuda, deputy administrative director of the courts, of ethics violations for fixing legislators' traffic tickets and operating a lobbying group at the State Capitol that caters lawmakers' fund-raisers.

Judiciary employees roll sushi for those fund-raisers while they

are supposed to be working at their court jobs, Common Cause said. Judiciary supervisors also recruit workers to help in fund-raising events for a lobbying organization mostly composed of court officials, according to Common Cause.

A meeting involving Democratic Party business was held in a supervisor's office in the Honolulu District Court building. The sheriff's office also has purchased eight cars without seeking competitive bids from companies.

HOME EDITION

THURSDAY

Honolulu Star-Bulletin

A GANNETT NEWSPAPER

Legislators Get Ticket-Fixer Benefits

By Stirling Morita
Star-Bulletin Writer

State lawmakers don't have to pay their parking tickets because Tom "Fat Boy" Okuda, the controversial courts official, says they are immune from arrests.

Through a ticket-routing system in the House, Okuda, deputy administrative director of the

courts, fixes more than a dozen parking tickets a year for state representatives.

But City Prosecutor Charles Marsland says Okuda is wrong because the legislative immunity provision doesn't allow court officials to fix those parking citations.

Four state legislators told the Star-Bulletin that Okuda talked

to them during House orientation briefings in late 1982. At that time, he told them their traffic and parking tickets could be "taken care of" by dropping them off at the House offices of the sergeant at arms or clerk.

THIS WAS because of Okuda's interpretation of a state constitutional provision, according to the

legislators, who asked not to be identified. All four legislators, who were interviewed separately, said they would be hurt politically if their names were printed.

Okuda said the provision originally was designed to stop political opponents from arresting lawmakers in hopes of preventing them from performing their

official duties at the Legislature, according to the legislators.

Lawmakers are always on their way to or returning from legislative business, Okuda reportedly said, indicating that he was talking about parking tickets received outside of the four-month legislative session, according to the legislators.

The State Constitution says:

"And members of the legislature shall, in all cases except felony or breach of peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same."

ASKED ABOUT the immunity provision, Marsland replied: "Our

Turn to Page A-8, Col. 1

Legislators Are Offered Ticket-Fixing

Continued from Page One

position is that there is no such thing as legislative immunity.

"And even if there were immunity protecting legislators from arrests preventing attendance at a legislative session, such immunity would not extend to parking citations which do not involve arrests."

The legislators said some of them had disagreed with Okuda's conclusion that parking tickets entail arrests that could detain them from doing their legislative business.

"I was just so surprised that it had become so institutionalized," said one of the lawmakers.

In its report on the political activities of Okuda, Common Cause/Hawaii said it "has received persistent reports of ticket fixing by Okuda and other court personnel, and these charges would appear to justify an immediate official investigation."

Ticket fixing and food catering by judiciary lobbyists were cited as enticements to convince lawmakers to approve the judiciary's budget requests, Common Cause charged.

OKUDA WASN'T available for comment, but has indicated in the past that he has the authority to administratively discharge tickets.

House Clerk George Takane yesterday said he set up a system with the Traffic Violations Bureau, which falls under Okuda's jurisdiction, to collect tickets from House members and employees and send them to the Honolulu District Court building via state messengers.

He estimated that 12-15 parking tickets a year from House members are sent to the traffic bureau and only a few are returned for lawmakers to pay. "More often than not, we don't hear anything back," Takane said.

Most of the parking tickets are for parking in the wrong stall at the State Capitol or parking another car there without the proper sticker, Takane said.

Takane takes down the explanation, attaches it to the ticket and sends it to the traffic bureau. He said he doesn't question whether the reason is valid or whether legislative business was involved.

ABOUT FIVE tickets a month from legislators and employees are handled by his office, Takane said. Employees are permitted to pay \$3 of the \$5 fine for their parking tickets and go through routine bail forfeiture procedures for traffic violations, such as speeding, he said.

Takane doesn't see anything wrong with handling the tickets. "It's more like a service," he said. "I'm sacrificing part of my time."

Legislators are supposed to pay for their traffic tickets when the Legislature isn't in session, Takane said. In the past, there haven't been many traffic citations for legislators sent to District Court, he said.

Takane recalled that a few years ago, he sent in a speeding ticket for former GOP Rep. John Carroll, who was tagged while driving to a legislative meeting. But Takane didn't know what happened to the traffic citation.

"They (legislators) have to pay just like anyone else (for traffic violations) unless they can show extraordinary circumstances," Takane said.

HE DIDN'T know why legislative employees were entitled to pay only 60 percent of the parking fine, but added that the traffic bureau wanted to recover some of the costs involved.

Traffic tickets are handled through the bail forfeiture system that is available to anyone at District Court, Takane said. Under the system, a person can pay money to the court, forfeit it and be assessed points that can be used to suspend his driver's license, court officials have said. It isn't recorded as a conviction.

The bail forfeiture procedure isn't available to people who have had two traffic citations within six months and are accused of driving 15 miles per hour over the speed limit, according to court officials.

For example, if a person doesn't want to contest a speeding ticket, he can pay a \$35 bail forfeiture and \$5 in cost. But if he goes to court, he has to post \$50 bail, but could be fined less, Takane said.

The system helps cut down on the court workload and means legislators and employees don't have to wait in line at District Court to pay the fines, Takane said.

"It has worked out pretty good," he said. "It not only helps the courts, but the people who are cited. . . . It is mutually advantageous."

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Friday, August 30, 1985

HAVE MR. OKUDA TAKE CARE
OF THIS PARKING TICKET FOR
ME... WE CAN'T HAVE SUCH
THINGS INTERFERE WITH
THE PERFORMANCE OF
MY DUTIES!



Honolulu Star-Bulletin

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A-6

Saturday, August 31, 1985

Placing Restraints on Sheriff's Office

The idea of the state sheriff's office growing into a state-wide police agency frightens Herman Lum. We're glad to hear him say that, because it alarms us, too. As chief justice, Lum administers the judiciary department, of which the sheriff's office is a part. So he's in a position to prevent the sheriff's office from exceeding its authorized functions.

It is also encouraging to learn that the chief justice is taking action to deal with charges of questionable practices in the sheriff's office and elsewhere in the judiciary department.

Lum announced he has ordered a halt to the swearing-in of reserve and deputy sheriffs until he has assessed the guidelines used for those procedures. The office has been criticized for deputizing state legislators without apparent justification.

The chief justice also says he will appoint a panel to study the sheriff's office's weapons requirements. There have been requests for submachine guns and laser-scope rifles for the sheriffs — even dogs — but the need for them has been questioned.

Lum indicated he supports the recent expansion of the sheriff's staff in view of an increased workload. But he also plans to ask the Legislature to review the law to ensure that the office is limited to the police powers required to perform its authorized functions.

There is no question but that the sheriff's office provides needed services: security for courtrooms, service of court papers, and transportation of prisoners. But supervision of the office by higher authority seems to have been lax, with the result that the situation is threatening to get out of hand. Despite the increased workload, the growth of the office staff ought to be carefully assessed.

Apparently the chief justice was not aware of these problems — although he should have been — until they were brought to his attention through reports in the *Star-Bulletin*. Now that we have gotten his attention, we are hopeful that he will deal effectively with them.

...

A related matter that should concern the chief justice is the matter of parking tickets of legislators that have reportedly been "fixed" by a long-time official of the courts, Tom "Fat Boy" Okuda. Lum has already ordered an investigation of charges that court employees under Okuda's leadership have been engaging in improper lobbying activities.

The ticket-fixing reportedly occurred during legislative sessions on the theory that legislative immunity covers such infractions. That is a questionable interpretation of the law. The practice is clearly undesirable because it puts officials above the law while placing the lawmakers so favored under obligation to Okuda.

Lum declined comment on the immunity question, noting that he might have to rule on the issue if it came before the Supreme Court. Ironically, one of his employees, Okuda, seems to have made his own ruling already.

The Honolulu Advertiser

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Final Edition

Aloha!

Today is Thursday,
Sept. 5, 1985

Probe of judiciary won't dwell on past

By Jerry Burris
Advertiser Politics Editor

A citizen panel set up to investigate charges of impropriety by employees of the state judiciary has decided it won't look into specific violations of state ethics or criminal law.

Instead, the five-member group said in a news release yesterday, it will concentrate on improving or changing ju-

diciary management policies and will do its work in secret.

The panel was appointed by Chief Justice Herman Lum in the wake of charges that judiciary workers — especially within the Sheriff's Office — have engaged in potentially unethical and/or illegal activities.

The charges have come primarily from state Rep. Fred Hemmings and the citizen lobbying group Common Cause.

They include charges that the judiciary budget has grown fat without legislative oversight, that the Sheriff's Office is becoming an extravagantly armed state "police force," that traffic tickets and warrants have been illegally "fixed," that court employees conduct political activities on public time and that the judiciary has engaged in improper lobbying. A key figure involved in sever-

al of the allegations is Tom "Fat Boy" Okuda, deputy court administrator.

Neither Hemmings nor Common Cause Executive Director Ian Lind was particularly pleased yesterday with the committee's description of the scope of its task.

"They have to address past behavior," Lind said. "I don't see what will be accomplished if they simply intend to make

recommendations for policies and leave intact that network of personnel and political connections . . .

"They must make a clear expression that the past behavior was improper in order to make their future recommendations worthwhile."

Said Republican Hemmings: "There is a major problem

See Panel on Page A-4

Panel won't focus on judiciary's past

from page one

and they have chosen to narrow the scope of their report so they won't be able to give a comprehensive report to the public."

The citizen committee said questions of whether there have been specific violations of the ethics law, lobbying law or criminal laws should be left to the state Ethics Commission and the Prosecutor's Office. Both agencies have said they will investigate the matter.

"I don't think what they're doing should be hindered by what anybody else is doing at all," Hemmings said.

Committee member Dorothy Lum, who was elected to lead the group along with attorney

David Fairbanks, said the panel's intent is not to ignore the issues raised by Common Cause, Hemmings and others. In fact, Lind and Hemmings are among the first scheduled to appear before the committee.

"But we're trying to look at things in a positive and constructive manner," she said.

"We wouldn't want to give the impression we're not paying attention to what they have said. If there are things that have occurred, we want to say, 'What should happen to prevent those things from happening in the future?'"

There were no restrictions on the committee's work, Lum said. Issues of who should be in charge of the Sheriff's Office (or even whether it should be under the judiciary) are fair

game as are questions about the judiciary's independence from administrative budget review, Lum said.

In its news release, the committee said it wants to "eliminate future allegations of the kind recently made by Common Cause and others" by offering Lum recommendations on "improvement to the structure and administration of the judiciary and clarifications of policies guiding the action of judiciary employees."

The committee gave no deadline to Lum and the public for completing its report.

Other committee members are business executive Herbert Cornuelle, retired Judge Masato Doi and Circuit Judge Daniel Heely.

Honolulu Star-Bulletin

Sept. 5, 1985 Honolulu, Hawaii

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Scope of Judiciary Probe Attacked

Two Criticize Panel's Avoiding Ethical, Criminal Violations

By Stirling Morita
Star-Bulletin Writer

Critics of practices within the state judiciary aren't happy about a decision by Chief Justice Herman Lum's panel to avoid investigating possible ethical and criminal violations by court workers.

State Rep. Fred Hemmings criticized the group for setting up "a severely narrowed scope of work where they will get a small picture of what's going on over there."

"They're making a mistake," the Republican legislator said.

Ian Lind, executive director of Common Cause/Hawaii, said that if panel members should find problems, "They should move.

They shouldn't make any excuses."

BOTH MEN initially praised Lum's forming of the panel to look into allegations of politicking by certain court workers and practices within the sheriff's office. But yesterday they were skeptical of what the committee would do.

Hemmings said he hoped the investigation "will not get sidetracked."

The panel should "prepare a really comprehensive report about serious administrative practices there" for Lum to determine what changes are needed, he said.

Lind said that if government agencies divide up investigative

responsibilities, "some things may fall through the cracks."

"Even with their new guidelines, leaving the structure of power, built up over these years by this improper activity, negates their chances for success," Lind said.

The five-member panel yesterday issued its investigation guidelines that leave out "specific violations" of the state ethics, lobbying and criminal laws.

THOSE MATTERS will be left up to the state Ethics Commission and city prosecutor's office which are looking into judiciary activities, the panel said.

David Fairbanks, co-chairman of the panel, said the committee may examine activities that violate those laws but issue recom-

mendations to correct the problem instead of "pointing the finger at people."

"The Ethics Commission and prosecutor's office are charged with enforcing specific violations of the laws. They have the resources to do it, and they have the (subpoena) powers to do it," Fairbanks said.

Rather than duplicate the work of those two agencies or interfere with their investigations, the panel will concentrate on the management structure of the judiciary and policies governing its administration, Fairbanks said.

The committee has talked to the Ethics Commission and will turn over information that

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Fred Hemmings
Panel making a mistake



Ian Lind
Shouldn't be any excuses

Scope of Judiciary Probe Attacked

Continued from Page One
might aid the commission's probe, Fairbanks said.

THE PANEL WILL meet with Hemmings at 1:30 p.m. Wednesday in Fairbanks' law office. The meeting will be closed to the public because the panel will follow the procedural rules of the Judicial Selection Commission.

The constitutionally established commission considers lawyers or judges for appointment as circuit or appellate court judges. Its proceedings are closed to the public.

The panel says it believes the secret meetings "will encourage people to come forward and provide candid and complete disclosure of information." Its report to the chief justice will be released to the public.

Hemmings has charged that the judiciary-run sheriff's office is wasting taxpayers' money by buying sophisticated weapons and unneeded dog teams. He has also said it is taking on a role of

a statewide police force and is involved in possibly criminal activities.

MEANWHILE, LUM is on a trip to Colorado where he will be a panelist at the Denver conference of the National Center for State Courts which starts today and ends Saturday. The chief justice will speak about Hawaii's success in reducing the court backlog.

Oahu circuit courts were able to dispose of 8,768 civil cases in 1983-84 compared to 3,157 in the previous year. The courts also terminated 2,999 criminal cases in 1983-84 compared to 986 in the previous year.

Lum has acknowledged that some of the problems with court workers may have occurred because he was busy trying to reduce the number of cases in the courts.

Many of the allegations surfaced while Lum was on the Mainland and in England for a

month for vacation and professional conferences. He returned to Honolulu on Aug. 8.

CALLING FOR an independent probe, Lum also appointed to the panel Dorothy Lum, president of the Hawaii League of Women Voters; Circuit Judge Daniel Heely; Masato Doi, retired Circuit Court judge; and Herbert Cornuelle, board chairman of Campbell Estate. Mrs. Lum is the panel's other co-chairperson.

Common Cause has accused Tom "Fat Boy" Okuda, deputy administrative director of the courts, of violating the state ethics code through improper lobbying at the State Capitol.

It also has said judiciary workers are told to prepare food for legislators' fund-raising events while they are on the job. Court employees also are solicited in the office to help money-raising activities for the judiciary's private lobbying organization, Common Cause has said.

HONOLULU ADVERTISER
Friday, September 6, 1985



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Gerry Keir	City Editor

Friday, September 6, 1985

Judicial disappointment

The opening statement of the blue-ribbon committee appointed to look into alleged improper activities in the state Judiciary is a disappointment.

There had been an expectation created or assumed that there would be a thorough investigation featuring public testimony from Tom "Fat Boy" Okuda, the deputy court administrator who is the central figure in the charges of improper political activity and empire building.

The committee appointed by Chief Justice Herman Lum is composed of highly respected, capable people including a current judge, a former judge, an attorney and others. It was assumed they would seek and be granted necessary staff and subpoena powers to get to the heart of the problem.

But the panel's announcement conveys that it will work in private on what looks to be a report of relatively narrow scope concentrating on improving the structure and policies of the Judiciary. Any violations of state ethics or criminal law will be left to others to investigate.

IN FAIRNESS, the co-chairmen of the committee and others give these points:

- The panel doesn't have staff, subpoena power or the mandate for a broad-scale investigation. It can only ask people to come in with information.

- After the committee was named, it was noted in news accounts that the city Prosecutor's Office and state Ethics Commission are both looking at allegations made. The committee felt they are better staffed and equipped to deal with such

considerations as rights of the accused and due process.

- Allegations of improprieties made by Common Cause and state Representative Fred Hemmings will be heard early and other statements will be solicited from the public.

- Private meetings for such testimony may be necessary to protect government employees and other prospective witnesses from potential retaliation or the fear of it. In any event, the final report will be made public by the committee.

WHETHER the committee should or could have had a broader mandate and more power is a question. So is whether it needs the full-on secrecy provided by rules of the state Judicial Selection Commission, which has a different function.

Also, while there may be merit in not duplicating work of the prosecutor or ethics commission, there is, as Common Cause's Ian Lind points out, the danger that some allegations will "fall through the cracks" between three investigations.

As noted in a previous editorial, the committee almost certainly will find bad judgement in lobbying and overkill in the sheriff's office. It may also find failures in oversight, both in the Judiciary and in the Legislature. But only investigation will show whether anyone will find a "smoking sushi" of provable illegal activity.

While the committee will be judged by its report, the final disposition will be up to Chief Justice Lum, a good man who is dealing with a bad situation.

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Friday, September 6, 1985

Probe of Judiciary Is the Public's Business

The committee appointed by Chief Justice Herman Lum to look into allegations about the judiciary has decided to hold its meetings in secret. That decision ought to be reconsidered.

The integrity of Hawaii's courts and the competence of those managing court funds are fundamental, urgent issues. To discuss them in secret will make it easier to protect the cozy relationships, linking politics and justice, that caused the problems to develop.

Only a full, open airing of the issues will lead to real reform.

Chief Justice Herman Lum and former acting courts administrator Tom Okuda have not been willing to publicly answer questions about their performance.

The committee should meet in open session to assure the public of its independence. How else will the public know that the committee is asking tough questions, and getting honest, complete answers?

Secret meetings will make it far easier for the officials who allowed the sheriff's office to go out of control, for example, to avoid answering to the public.

Secret inquiries lead to coverups. They lead to quiet deals. They foster public cynicism and a loss of credibility, a particularly serious problem for the courts.

The congressional Watergate hearings are the best example of the profound benefits of a full public inquiry into charges of misconduct. A citizen watching those hearings saw the system at work. Faith and public confidence were restored.

Recently a special committee investigating charges about pesticides held its meetings in public view. The open meetings allowed citizens to hear all the testimony, and to judge for themselves the quality of both the committee's efforts and the answers from officials.

Hawaii's courts now have the taint of politics and mismanagement because of practices disclosed by Common Cause, Rep. Fred Hemmings and others in the community, including the news media.

That taint will not be removed, and public confidence in an independent, well-managed judiciary will not be restored, by secret meetings.

Honolulu Advertiser
September 9, 1985

Common Cause & Judiciary

John Goeman says, in his letter of Aug. 24, that Common Cause has abused both freedom of speech and freedom of the press by making "unsubstantiated" charges against the Judiciary.

Goeman should know that the term "freedom of the press" applies only to the press. How could Common Cause, which is not the press, abuse that freedom?

As for freedom of speech, Common Cause has not only the right but also the responsibility to speak out when it perceives a misuse of authority by any government agency. Every citizen has this freedom and this responsibility.

Chief Justice Lum has appointed a panel of citizens that represents a cross-section of important organizations. The investigation by this panel will determine whether the charges are unsubstantiated.

MARY JO OAKLEY



Panel worries court probe may spill over

An independent panel studying allegations of political and legal misconduct by judiciary employees seems concerned that the controversy not "spill over" into day-to-day courtroom operations, a panel witness said yesterday.

Ian Lind, executive director of the public interest group Common Cause, spent more than three hours yesterday with the five-member panel appointed by Chief Justice Herman Lum to look into a rash of allegations about court workers.

The allegations have been raised by Common Cause and by Republican state Rep. Fred Hemmings.

Lum has pointed out that the accusations have never suggested any impropriety in the "administration of justice."

Lind, whose group has focused on political activities by court workers, said the inquiry panel showed obvious "concern" in that area.

"They were concerned that it not spill over to the courtrooms," Lind said.

Lind said he was impressed by the panel's interest and openness on the matter: "They were real serious. They seemed to understand the factual situation."

A major issue facing the citizen group, Lind said, seems to be that they are in a "real bind as to what to recommend."

The group has been asked to look into a wide-ranging series of allegations about the behaviour of court workers — particularly within the Sheriff's Office — and to come up with policy recommendations for Lum.

Honolulu Star-Bulletin

Sept. 17, 1985

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Spotlight on Judiciary Controversy

No Bids Used in Purchase of Sheriff's Office Ammo

By Stirling Morita
Star-Bulletin Writer

Without shopping for competitive prices, the state sheriff's office buys its ammunition from a company run by the lieutenant of the reserve deputy sheriff program.

During the past three years, the sheriff's office has purchased more than \$30,000 in bullets, gunpowder and bullet heads from Security Equipment Corp., whose president is Duane Leong.

None of the purchases was made through a competitive bidding process as required by law.

THE HONOLULU Police Department determines how much ammunition its officers will use in a year and asks the city purchasing division to solicit bids from private companies and award the contract to the lowest bidder.

However, both law enforcement agencies buy ammunition

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Ian Lind
Director of Common Cause

Common Cause Airs Complaints Before Investigation of Judiciary

By Stirling Morita
Star-Bulletin Writer

It is a political army in a system that is supposed to be apolitical. Its troops were marshaled by state court supervisors, and its operations were visible to top administrators.

That army is made up of state judiciary workers who fear for their jobs, go along with the entrenched system or feel political work will help them win promo-

tions, Ian Lind of Common Cause/Hawaii says.

"These weren't covert activities. They weren't hidden, but people (workers) learned not to question them," Lind said last night.

The executive director of Common Cause made his remarks before a panel appointed by Hawaii Chief Justice Herman Lum to investigate allegations about the court system.

LIND TOLD THE group that

the court system's top two administrators were aware that judiciary workers had been asked to work on political campaigns.

On a Saturday morning during the 1984 election year, court workers, at the requests of their bosses, showed up for campaigning and were joined by Lester Cingcade, then administrative director of the courts, Lind said.

Tom "Fat Boy" Okuda, deputy

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Sheriff's Ammo Purchased at Reserve Deputy's Firm

Continued from Page One

from Security Equipment.

Leong yesterday said that his association with the sheriff's office doesn't play a role in his company's exclusive business with the judiciary-administered agency.

The sheriff's office had been buying ammunition from Security Equipment long before he and his two partners bought the company from his boss in November 1984, Leong said.

According to judiciary fiscal records, Security Equipment sold \$13,002 in ammunition to the sheriff's office in 1982-83, \$8,374 in 1983-84 and \$8,772 in 1984-85.

STATE LAW requires that government agencies seek bids from private companies for items that cost more than \$4,000. Most of the purchases in the sheriff's office were under the \$4,000 limit, but in April it bought \$4,171 in ammunition.

If the police department bought quantities of each bullet type separately, most of those bills would be under the \$4,000 limit. But police officials package their ammunition needs in a \$31,000 contract.

In bids for the police contract in February, Security Equipment beat King's Sporting Goods by \$467, offering to sell the ammunition for \$31,470.

In several instances, the sheriff's office paid prices higher than the police department for the same ammunition. But Leong said that the police use more bullets and that prices are reduced for larger quantities.

For example, reloaded .38-caliber bullets, used mostly in training, cost the police department \$85.80 per 1,000 bullets. The same amount of bullets has cost the sheriff's office between \$100 and \$161.

LEONG SAID THE police department price is lower because HPD returns the brass-bullet casings to the company for reloads.

High-powered, .38-caliber special police ammunition is priced at \$184 per 1,000 for 10,000 rounds for police and has cost the sheriff's office \$246.40 per 1,000 for 2,000 rounds.

In several instances, the sheriff's office has bought various amounts of the same bullets in the same year.

The sheriff's office has bought cars without bids from salesmen with sheriff's badges. Asked if having a badge made a difference, Leong said, "I don't know what they do for other places. That isn't why they buy from us."

"People tend to want it (ammunition) right away. We stock more varieties of items than other shops," Leong said.

Leong didn't have an opinion

on whether taxpayers would save money if the sheriff's office put its ammunition out for bid because of the small quantities it buys. He said the sheriff's office is getting a fair price and a 10 percent discount given all government agencies.

LEONG BELIEVES sheriff's office business has dropped since he and his partners took over the firm, he said.

As a Security Equipment employee, he handled sales to the sheriff's office but didn't earn any commissions because he was

paid a salary, Leong said.

His involvement with the sheriff's office began when some of his friends became part of the office's first recruit class, Leong said. He became a volunteer reserve because he didn't have the time, Leong said.

Leong is the lieutenant in charge of the reserve deputy program, but since taking over the business in November, lack of time has forced him to delegate authority to others, he said.

He estimated that he now spends 90 percent less time with the reserve deputy program.

Lind Takes His Accusations Before Judiciary-Probe Panel

Continued from Page One

administrative director, arrived and "gave a presentation" to the workers, Lind said.

Because of Cingcade's and Okuda's presence, judiciary employees "read as approval that they volunteer" for such political activities, Lind said.

At other times, also at the requests of supervisors, employees took home political materials for mailing to friends, helped candidates with sign-waving and canvassed neighborhoods for candidates, Lind said.

MANY OF THE political activities apparently were arranged by key people in Employees for Good Government Service, a lobbying group made up mostly of judiciary workers, Lind said.

Court supervisors are able to get their employees to work on political and other activities by threatening their jobs or offering inducements, such as promotions or increased office budgets, Lind said.

EGGS also runs fund-raising events during working hours, he said. Just before the 1985 legisla-

tive session, EGGS held turkey raffles by selling printed \$2 tickets to employees and collecting the money.

THERE IS A lack of "oversight and accountability" by the court administrators, Lind said. People hired on emergency basis for long periods of time and purchases made without bids are examples of how discrepancies appear to have been overlooked, he said.

Not only is favoritism present in the emergency hiring system, but in the courts' hiring of "people with connections" for summer jobs, Lind said.

Court officials are "currying favor" with other people and trying to create obligations on their part, he said.

The hiring patterns in those two programs and the placement of the workers in certain jobs makes other judiciary employees believe they can benefit "if I play ball," Lind said.

EGGS-connected supervisors "assign jobs to their subordinates," Lind said. "Just on the face it, it seems to be a real problem."

Ex-judiciary aide: We do play politics

By Jerry Burris
Advertiser Politics Editor

The high political profile of the state judiciary and its army of workers is no accident, long-time administrative director Lester Cingcade said yesterday.

In fact, Cingcade said in an interview with The Advertiser, he and his deputy, Thomas "Fat Boy" Okuda, deliberately sought to organize court workers into a volunteer lobbying and political action committee.

Their goal was to repair what they saw as a serious rift between the courts and Legislature and insure sympathetic budget treatment by lawmakers, Cingcade said.

But Cingcade insisted no one was ever forced to participate in political activities as part of, or in exchange for, a state job. And he said the judiciary never did improper favors for lawmakers in pursuit of its legislative objectives.

Cingcade, who resigned this year after 19 years with the judiciary to become president of Mid-Pacific Institute, insisted there were clear lines drawn between the successful "political" operations of the court administrative system and the more "cloistered" atmosphere of the robed judges in their administration of justice.

In fact, he says, much of the current criticism against the

court system may come from those who don't understand how the supposedly independent and non-involved judicial system could be so deeply involved in the trench warfare of politics.

The court system has been under fire recently for its political activities and for the growth of its budget and the expansion of the armed Sheriff's Office.

Republican state Rep. Fred Hemmings charges the court system has grown out of control, is fat with budget waste and abuse and may be involved in illegal "fixing" or quashing of traffic tickets and arrest warrants.

The citizen public interest group Common Cause has focused on the highly visible political lobbying activities of court workers, suggesting they may have violated state ethics laws by doing political work on state time. Common Cause executive director Ian Lind also alleges that some judiciary workers have felt pressured to participate.

In response to the allegations, Chief Justice Herman Lum has asked an independent five-member advisory committee to look into the charges and suggest policy or administrative changes that might be required. Both Hemmings and Lind have

See Cingcade on Page A-3



Cingcade says it's no accident judiciary involved in politics

from page one

already appeared, as have unidentified current or former court workers.

Cingcade, who supervised the administration of the court system through the years of its rapid growth and expansion of its political influence, said he is anxious to appear before the committee.

While there may have been occasional "lapses of administrative judgment," Cingcade said, the actions of the courts workers overall have been both legal and proper.

"I was paid a goodly sum of money to get their (legislators') ear," Cingcade said.

"I got it, and now I'm being condemned for it.

"I don't see why I should be disenfranchised because I worked for an agency some people believe should be cloistered."

Before he joined the court system in 1966, Cingcade said, there were "tensions" between the judiciary and the money-handlers at the Legislature. The chief justice would appear before legislative committees to lobby for funds, he said.

"I found that repugnant," Cingcade said. "We began to very carefully insulate and isolate even the office of the chief



Lester Cingcade

No one forced to participate

justice from the rigors of the political process."

So he and Okuda, a veteran bureaucrat within the court system, began to mold a "team" that would handle rela-

tions between the courts and the lawmakers, Cingcade said.

"I knew something about politics. I had worked for (then-Chief Justice William S.) Richardson in his lieutenant governor campaign. Tom had all the bureaucrats' ears and knew a lot of politicians. We made a good team.

"It seemed sensible to convince the employees that working with the legislators was an honorable cause," he said. While Okuda and Cingcade did most of the direct lobbying and testifying, "huge armies" of courts workers would mill through legislative halls learning the process and making their presence felt.

Through a volunteer group called "Hui O' Kokua," later changed to Employees for Good Government Service, courts workers would help out on campaigns, hold signs, cook and serve at political fund-raisers, stuff envelopes and help in district canvassing.

"We felt, if they're a friend of yours, maybe they'll listen to you and you can set them straight," he said.

While many court workers participated, Cingcade said, "the inference that there was 'you'd better participate or else' is ridiculous."

Former administrator offers explanation of court practices

By Jerry Burris

Advertiser Politics Editor

Lester Cingcade, administrative director of the Hawaii judiciary during its years of greatest growth, had these specific comments in reaction to some of the charges and allegations made against the courts in recent weeks:

- That the judiciary is building a lavishly armed, unnecessary and uncontrolled state police force within the Sheriff's Office.

"I don't think there is anybody in the judiciary who envisions a state police force," he said. But the courts need security personnel to conduct functions such as prisoner transport and service of warrants, which used to be handled by other agencies. Having "well-trained, highly visible, uniformed" officers in the courts "creates an aura of deterrence," he said.

- That the judiciary pushes an ever-larger budget through the Legislature each year on a "blank check" basis, without full discussion of spending details.

All details were available to those who sought them, Cingcade insisted; either through committee staff or through the judiciary. At times, he

admitted, the courts were slow in providing details because the Legislature has allowed the judiciary only three budget analyst positions. While some lawmakers may have been surprised that the Sheriff's Office was buying Uzi machine guns and other sophisticated weaponry, Cingcade said, "a legitimate question should have been, 'What does this budget include?'"

- That traffic tickets for lawmakers were routinely "fixed" and that arrest warrants were arbitrarily held back for selected individuals.

Fixing of tickets for legislators "was a practice from the beginning of time under the umbrella of legislative immunity," Cingcade said. "There was nothing clandestine about it."

There were standard procedures for such administrative disposal of tickets, Cingcade said, similar to those used to void tickets issued to jurors who got tickets because of a lack of court parking facilities.

Holding warrants is a legitimate activity when there are questions about the validity of the arrest order, he said. The courts are fearful of false arrest suits. There may have been cases of "managerial

lapse" in which warrants were held out too long, he said, but this was not an accepted practice.

- That the court system permitted more than 100 "emergency hires" to get on the payroll without regular civil service examination and that some were kept on staff for as long as two years.

Some, Cingcade admitted, may have stayed around too long, but he said mid-level administrators fought against releasing temporary workers who were trained and experienced. Others, such as occasional workers at the juvenile detention home and in the office that processes traffic tickets, came to work only when a special need arose, he said.

- That the court system ignored state law on competitive bidding for purchases over \$4,000 so that it could buy items such as automobiles from "friends" of the judiciary.

The system did buy some used cars from Hertz without asking for bids, Cingcade said, but there was confusion as to whether a bid is required when "used equipment" is being purchased. Otherwise, he said, the law is clear on the need to bid major purchases.

[from the Sunday Star-Bulletin & Advertiser, 9/22/85]

Of 50,000 contest entries, his guesses were the best

Richard Port admits he has little time for trivial pursuits. So when he enters a contest, he does not leave too much to chance.

"I've entered only two contests, and I've won them both," he said.

Recently, Port used a clever strategy to win a free trip for two to the Rose Bowl game Jan. 1 in Pasadena, Calif.

Port, who is employed by the Department of Education as an educational officer, was the grand-prize winner in the Hawaii Newspaper Agency's Football Forecast contest.

Port says he will donate the prize to the citizen lobbying group Common Cause/Ha-

wai, which, in turn, will include the trip in its annual fund-raising auction.

Contest participants were asked to predict the final score of last week's football game between Hawaii and Utah.

Of the 50,000 entries, only Port and Anthony Chun correctly predicted a 29-27 Utah victory.

Port won the contest by correctly answering four of the six tiebreaker questions. Chun answered two. For finishing second, Chun won six tickets to the Hula Bowl on Jan. 11, 1986.

After reviewing the other entries, HNA officials announced that Michael Lum placed third and Glenn Choi fourth. Lum won four Hula Bowl tickets and Choi won two.

Port said he found the contest rules in the newspaper and decided "it really looked winnable. There were a limited number of possibilities."

Port filled out entries with the winner's

score ranging from two to 50. That came out to 1,275 winning combinations for each team. He also turned in hundreds of entries with different tiebreakers for common scores such as 14-7 and 21-14.

In all, Port said he, his wife, Ann, and two friends spent 50 hours acquiring and filling out 2,800 entry blanks.

"My wife and I went to all of the stores mentioned in the ad, both at Ala Moana and Pearlridge," Port said. "In fact, we made several sweeps to pick up the coupons."

"We kind of did it in crosses. We started filling out the front portion, the name and address, and then it was just filling out the back."

To protect against lost forms, Port filed his entry blanks numerically in a size-12 shoebox and hand-carried them to HNA.

Port employed other strategies. He read old newspaper clippings to help guess the game's total passing yardage, a tiebreaker category.

"I had a formula that I was using, which was not foolproof," he said. "If you look at the total passing yards of a game in which 56 points are scored, you can come up with roughly 550 yards. I was pretty close."

His guess was 14 yards short of the game's 564 total.

Port said he has attended UH football games regularly for the last 14 years. "I'm not happy Utah won, believe me. The way I feel about it is: Hawaii lost, but I won the contest."

Port said he and his wife had decided before entering the contest to donate the prize to Common Cause/Hawaii.

Port has been involved with the organization for 10 years and, for two years, served on its steering committee.

"Common Cause is dedicated to open and responsive government and the high standard of conduct for elected officials," he said. "I thought that would be the appropriate organization to donate the tickets to."



Port

This Rose Bowl tour for two leaves Honolulu Dec. 25 and returns January 2, and includes Las Vegas, the Santa Anita Race Track, a special New Year's dinner celebration, the Rose Parade, and the Rose Bowl football game!

Star-Bulletin

Arrogance and the Courts

Submachine guns, infrared sniper night scopes and costly patrol cruisers for guarding Hawaii's courtrooms?

How can Tom "Fat Boy" Okuda, deputy administrative director of the courts, use government funds to purchase such hardware which can't possibly serve any relevant purpose?

Is he preparing for imminent terrorist attacks on our courts? Is he cultivating a state pseudo-militia force which would obviously overlap the jurisdiction of the Honolulu Police Department and the FBI?

What kind of "macho" image is he trying to create, using taxpayers' money?

Now I learn in the *Star-Bulletin* that he provides state jobs for his buddies and political ac-

quaintances. And one replies, "What's not political in this state?" What a shame to be so blatantly arrogant! Is political demagoguery alive and well in Hawaii? With this type of activity, you bet it is!

I'm also very disappointed that no one in any public office (with the exception of state Rep. Fred Hemmings) has questioned Okuda's activities. Perhaps this is indicative of the fact that our state politicians protect their own. Perhaps there are other Clifford Uwaines smugly ensconced in their cozy offices.

To this type of government official, allow me to warn you. Your political days are rapidly dwindling. With the increased public awareness of such conduct and the rise of public interest groups such as Common Cause/Hawaii, Hawaii's taxpayers are not going to be the ignorant flock of sheep which you believe us to be.

Accountable, responsive and responsible government officials are what Hawaii needs and will begin getting. So take heed. Although this letter may seem like a personal attack, it is rather an attack on the unethical type of behavior so adeptly perpetrated.

Rex Kim

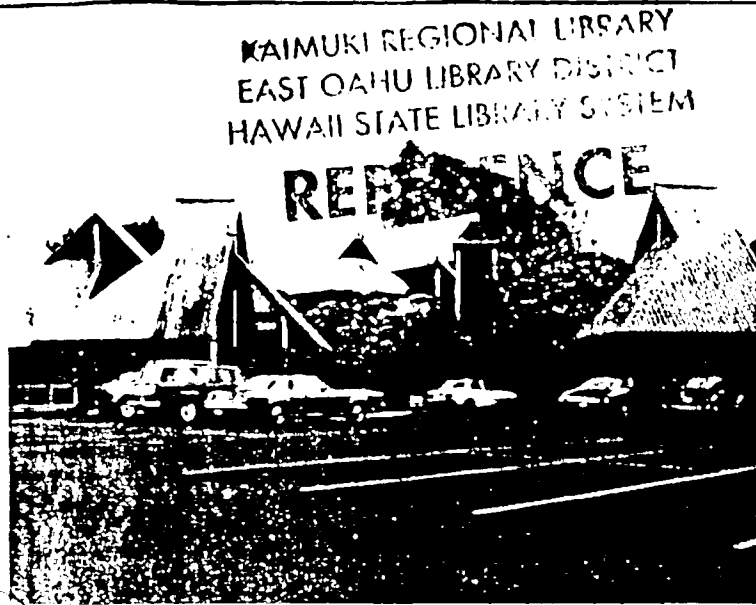
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—T.H. photo by Larry Kadooka

WAIAKEA VILLAGE

...Bank bids \$8.7 million to protect its interest

City Bank is lone bidder at auction

City Bank, which holds the mortgage on Waiakea Village in Hilo, was the only bidder at a public auction Friday for the hotel condominium complex.

Kenneth Kudo, vice president of the City Bank mortgage division in Honolulu, bid \$8.7 million for the bankrupt resort.

Hilo attorney Stephen Menezes was the commissioner for the auction. He will submit the bid to Judge Kubota for approval.

City Bank officials said they would likely maintain the facility as it is now. Sixty-seven residential units are rented on a month - to - month basis, and 11 commer-

Common Cause chief calls for reform of state court system

By Leigh Critchlow
Tribune-Herald

Painting a picture of a State Judiciary system which has polished its brand of "pupu politics" into a fine art, Common Cause / Hawaii Executive Director Ian Lind Friday called for continued pressure to get the state courts to "clean up their own act."

In a speech to the Rotary Club of Hilo, Lind discussed Common Cause's "A Critical Report on the Political Activities of the State Judiciary" released in July.

In its lengthy investigation, Common Cause discovered what Lind describes as "a real political machine" run by the highest level administrators and involving court employees who engage in a wide range of political activities.

These activities include lobbying on behalf of the State Judiciary budget and related measures, campaigning for selected candidates, and raising funds to support their activities.

According to Lind's report, the Judiciary group is known as Hui O'Okua and is organized and directed by Tom Okuda, who recently was named acting

administrative director of the courts.

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

Lind told the Hilo Rotarians that the activities of the court employees give the appearance of "justice geared to a few."

The "wholesome political activity" of the judiciary network involves literally catering to Legislators with influence over court budgets.

This has included preparing and serving meals — sometimes more than one a day — to Legislative committees in charge of setting court budgets, Lind said.

Lind said he wasn't talking about a couple of sandwiches, but "large numbers of meals."

This activity has spilled over into catering fund - raisers, Lind said, and during the first six months of this year, one - third of

the Legislators took advantage of this and turned their fund - raising events over to the court organization.

From there, it's a short jump to active campaigning work for candidates supported by the leaders of the organization, Lind said.

The "fixing" of traffic tickets also has been in the news a lot lately. Lind said it seems to be a case of "you buy my tickets, I'll fix yours."

Lind said the 1978 Constitutional Convention gave the courts a broad separation from the rest of the state system.

In personnel matters, the courts have used this situation to "subvert the Civil Service" system and to give "political patronage" jobs to friends, family members and supporters under "emergency hire" provisions, he said.

He said an "army of honorary sheriffs" has been created by the awarding of honorary sheriff's badges.

"Besides using food and campaign support to curry favor, Tom Okuda utilizes his control over other court perquisites to increase his own political influence,

as well as that of the Judiciary," the July report states.

"For example, in early 1983 it was reported that Okuda had personally provided deputy sheriff's badges to at least nine state legislators and other political figures through the reserve deputy sheriff program.

"Among those legislators who have received badges from Okuda are Rep. Ken Kiyabu, chairman of the House Finance Committee; House Speaker Henry Peters, Senate President Richard Wong, Sen. Ben Cayetano, Sen. Duke Kawasaki, former state senator Dante Carpenter (now mayor of Hawaii County), and former state Rep. Tony Kunimura (now Kauai mayor)," Lind's report says.

Lind said Common Cause is trying to track whether the Judiciary network has any effect on the outcome of actual courtroom proceedings.

"We don't have evidence or direct allegations" that judges are influenced, Lind said.

Lind noted during the question - and - answer session following his speech that the budget for the courts has gone up far more rapidly than any other agency.

Honolulu Star-Bulletin

A GANNETT NEWSPAPER

Lobby Group Charges Judiciary with Conflict

By Stirling Morita
Star-Bulletin Writer

The lease of private office space for the Waianae District Court is an example of "a shadowy network of political connections and obligations" that surrounds the court system, a Common Cause/Hawaii official said today.

Ian Lind, Common Cause's executive director, said the lease "illustrates the complex web of political commitments and obligations that have been allowed to develop in and around the courts."

Lind's remarks were in a speech prepared for delivery today to the Downtown Jaycees.

The state judiciary leases of-

fice space in Nanakuli from a hui in which a member of the Judicial Selection Commission held a major financial stake, Lind said.

That person is Tom Enomoto, founder of Dura Constructors Inc., according to state real estate records.

In 1981, Enomoto was appointed to a six-year term on the Judicial Selection Commission by House Speaker Henry Peters.

At the time, Enomoto, who founded Dura Constructors, was the company's board chairman and employed Peters at a salary of \$12,000 a year.

"In 1983, while Enomoto was still a member of the Judicial

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Deputy Sheriffs Learn Police Chase Tactics

By Stirling Morita
Star-Bulletin Writer

When you scan the training manual for the state sheriff's office, you get the feeling that you're reading about "Cops and Robbers."

The manual, called the Emergency Vehicle Operations Course, consistently describes deputy sheriffs as "law enforcement officers."

It also gives examples of high-speed auto chases of bank robbers and drunken drivers. Those aren't the kinds of things deputy sheriffs are supposed to be doing.

But sheriff's Capt. Robert Chee said the sheriff's office isn't doing such things and the passages in the manual shouldn't

be interpreted to mean that the sheriff's office wants or intends deputies to pursue criminals and traffic violators.

Chee, the sheriff's training officer, said some of the information was taken from the Honolulu Police Department's tactical driving manual, which he helped prepare in 1972.

THE SHERIFF'S driving manual says: "Law enforcement driving must be classified as hazardous driving for several reasons. First, it requires the pursuit of all types of drivers. The law enforcement driver seldom knows what type of driver he is chasing until the apprehension is made."

"At times, usually without advance warning, the pursuit of

Turn to Page A-13, Col. 1

Emergency Team Gets a Special Mission

A top official of the sheriff's office summoned his specially trained tactical team for a special mission during a work day last April.

The mission? To sing "Happy Birthday" to a Honolulu District Court supervisor.

"It was a complete shock to me," said Nancy Taniguchi, the District Court fiscal officer who was the recipient of the birthday song. "I was speechless."

Taniguchi said she didn't know why Undersheriff Frederick "Cappy" Caminos, second in command in the sheriff's office, had asked his SWAT-type team to sing to her "after the fact."

Deputy sheriffs have recounted the event to a panel

appointed by Chief Justice Herman Lum to investigate allegations about the operations of the courts. It was among numerous incidents in which Caminos asked deputy sheriffs to perform tasks that weren't part of their duties, two deputy sheriffs said.

Six members of the squad, which is called the Sheriff's Emergency Response Team, were called off their prisoner transport duties to report to the sheriff's office, the deputies said.

The team waited around for an hour before they went to the fourth floor of the District Court building to sing the birthday greeting to Taniguchi, the deputies said. Prisoner transports were held up until they finished.

Sheriff's Driving Manual Stresses 'Law Enforcement' Requirements

Continued from Page One

felons becomes necessary. This type of driver, a bank robber for example, may take any chance to escape, including passing on blind curves, hill crests and in the face of on-coming traffic."

The sheriff's office is chiefly responsible for protecting court-houses and judges, transporting prisoners, serving court documents and arresting people on traffic warrants.

State Rep. Fred Hemmings has charged that the sheriff's office has become a police agency, but Chief Justice Herman Lum and Undersheriff Frederick "Cappy" Caminos say it isn't.

THE TRAINING manual says: "During a pursuit, the overhead warning lights and the siren should be used constantly to

warn all other motorists of the danger.

"High speed pursuit may be justified in certain circumstances; for example, in the apprehension of a driver who is imperilling (sic) the lives of motorists and pedestrians through negligent or dangerous operations.

"He may be a bank robber, an escaped prisoner, a hit-and-run driver, a car thief, a drunken driver or a kidnapper. All these merit every reasonable cooperative effort to apprehend, short of endangering people."

Chee said the manual was intended to cite examples of high-speed driving and teach sheriff's recruits how to drive safely and avoid accidents and lawsuits.

REGARDLESS of the type of offense, Chee said, the principles of safe driving at high speeds remain the same.

"We do a lot of driving of prisoners and judges," Chee said. "And sometimes, we're faced with having driving skills to try to avoid threats to them."

There has been an instance where a deputy sheriff had to drive fast with the warning lights on to take back to prison a person whose life had been threatened, he said.

Also deputy sheriffs have to protect judges and might have to drive quickly to elude a threat, Chee said.

Recruits are trained in tactical driving at the Kaneohe Marine Corps Station, where they learn evasive tactics, pursuit, negotiating sharp turns and other basics, he said.

If they should be involved in a car accident while going at high speeds, then the sheriff's office has less liability because of the training program, Chee said.

Judiciary Charged with Conflict

Continued from Page One

Selection Commission, the Wai-anae District Court moved into new quarters in a building owned by a hui in which Enomoto was apparently the central figure," Lind said.

PETERS COULD not be reached for comment this morning about Lind's statements. However, when he appointed Enomoto to the commission, Peters said he chose Enomoto because he was the "best person" for the job out of about 80 potential candidates. Peters said Enomoto did not ask for the job, but that he persuaded Enomoto to take it because of his abilities and views on the judicial system.

The Judicial Selection Commission was set up by the 1978 Constitutional Convention to choose candidates for the bench.

Peters is a Bishop Estate trustee, appointed by members of the Hawaii Supreme Court.

Lind says the lease is "a classic conflict of interest."

"State law prohibits agencies from entering into such contracts with employees or com-

mission members except through a competitive bidding process — which was not used by the court in this case," he said.

Another member of the building hui is Robert McFarlane, a campaign supporter of Peters'. McFarlane had served on the state Reapportionment Commission with Tom "Eat Boy" Okuda, deputy administrative director of the courts.

Both Enomoto and McFarlane have received badges from the state sheriff's office, which is directly under Okuda's control.

IN OCTOBER 1983, the courts signed a lease with Maile Commercial for 4,860 square feet of office space in the building at 87-1784 Farrington Highway.

Under the lease, the courts pay Maile Commercial \$3,645-a-month rent and \$70,000 spread over five years at 15 percent interest for improvements.

"The widespread and active involvement of the court and its personnel in partisan political activity undermines public confidence in the ability of the

court to dispense justice with an even hand," Lind said.

"As widely reported in recent months, court representatives have gone far beyond appropriate boundaries in their attempts to ensure the success of their official lobbying efforts," Lind said.

For example, Lind said, they have:

- Fixed legislators' traffic tickets. "Tickets have been fixed for legislators, for their families and friends, for lobbyists, police officers, businesses, political supporters, lawyers, Democratic Party activists, current and former court employees and probably many others."

- Cooked and served meals to staffs of legislative committees that control the judiciary's budget.

- Catered fund-raising events for legislators, using court facilities and state workers to prepare food.

- Served food regularly to the Reapportionment Commission.

- Directed "an army" of court workers to campaign for their favorite candidates.

Lind rips Waianae court transfer

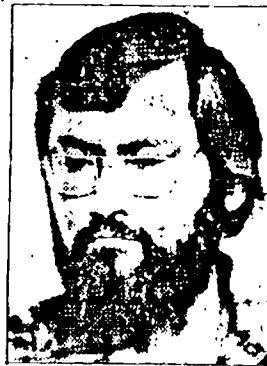
By Gerald Kato

Advertiser Government Bureau

The relocation the Waianae District Court two years ago to a Nanakuli storefront was an illustration of a "shadowy network of political connections and obligations" surrounding the state judiciary.

Common Cause executive director Ian Lind said yesterday.

The Nanakuli property, Lind said in a speech to the Downtown Jaycees, was owned by a hui that included Thomas Enomoto, then a member of the state Judicial Selection Commission — the panel that



Ian Lind

selects candidates for state judgeships.

Lind said Enomoto was appointed to the commission in 1981 by House Speaker Henry Peters. At the time, Peters was employed by Enomoto's construction company and received \$12,000 a year, Lind said.

"In 1983, while Enomoto was still a member of the Judicial Selection Commission, the Waianae District Court moved into new quarters in a building owned by a hui in which Enomoto was apparently the central figure," Lind said.

"This was a classic conflict of interest. State law prohibits agencies from entering into such contracts with employees or commission members except through a competitive bidding process, which was not used by the court in this case."

Enomoto, who resigned from the commission last year, could not be reached for comment. Enomoto's secretary said he would be in conference all this week and next.

Common Cause, the citizens lobbying group, and Rep. Fred Hemmings have charged that judiciary workers — especially within the Sheriff's Office — have engaged in potentially unethical and/or illegal activities. In the wake of those charges, Chief Justice Herman Lum has appointed a five-member group to investigate.

Lind has written to the panel about the Waianae District Court lease.

Another criticism that Lind has leveled at the judiciary is the practice of voiding or "fixing" traffic tickets. Lind said the practice is not limited to the recently publicized cases of legislators.

He said tickets have been fixed for many others, including families and friends of lawmakers, lobbyists, police officers, businesses, political supporters, lawyers and Democratic Party activists. Lind said later that he could not publicly go into specific instances, but cases of ticket fixing have been reported to him.

Speaker Chides Common Cause

By Stirling Morita
Star-Bulletin Writer

House Speaker Henry Peters says Common Cause/Hawaii is using "innuendoes" to tarnish the reputations of state court officials and some of his former business associates.

Peters was reacting to a charge by Ian Lind, executive director of Common Cause. Lind yesterday said Tom Enomoto, founder of the company that Peters had worked for and a former member of the Judicial Selection Commission, had an apparent conflict of interest by leasing office space to the state judiciary.

Enomoto and business associate Robert McFarlane have financial interests in a Nanakuli office building used for the Waianae District Court.

McFarlane served on the state Reapportionment Commission with Tom "Fat Boy" Okuda, deputy administrative director of the courts, and McFarlane and Enomoto both have sheriff's badges.

Peters, in an interview yesterday, said he was "very surprised that Mr. Lind has used this instance to impugn Mr. Enomoto, Mr. McFarlane and Mr. Okuda this way."

"He needs to have his facts checked, especially since he pur-

ports to represent an organization that supposedly has a notion that is common amongst all people," Peters said.

ENOMOTO didn't have a conflict of interest because the judiciary opened bids for the Waianae District Court offices and apparently accepted the lowest price, Peters said.

However, Lind said the judiciary made inquiries among Leeward Oahu office building owners but never submitted the project for official competitive bids. Any contract involving a state official or commission member and costing more than \$1,000 must go out to competitive bids, he said.

Peters said he played no role in the leasing of the office building. He didn't know that Enomoto owned the Nanakuli property, he said.

"I'm not the kind of person who goes around with a notebook and asks your supervisor what is in their investment portfolio," Peters said.

In 1981, Peters appointed Enomoto to the Judicial Selection Commission. Enomoto resigned from the commission last year. At the time of his appointment, Enomoto was founder and a director of Dura Constructors Inc., which employed Peters at

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Widespread Fixing of Tickets Reported

By Stirling Morita
Star-Bulletin Writer

Common Cause has received reports that state judges, "in at least some cases," fixed traffic tickets for their friends or court employees, the group's executive director says.

Ian Lind, head of the citizens group, said, however, that "in most cases... responsible judges probably just looked the other way and, in the process, gave their tacit approval" to the practice of ticket fixing.

Lind's remarks were made in a speech yesterday to the Honolulu Downtown Jaycees.

He told the group that judges are either doing the fixing on their own or "the system has sadly eroded so administrators can do what they want to do."

He did not give any details or

names of judges who may be involved.

Lind called for a full-scale inquiry into ticket fixing in the courts.

"The fact that traffic tickets have been 'fixed' for legislators has been made public. But ticket fixing has not been limited to legislators, and it would be a serious mistake to allow the question of tickets to be reduced to a debate over legislative immunity," Lind said.

"It would appear that legislators are simply the tip of the iceberg," he said. "Tickets have been fixed for not only legislators, but for their families and friends, for lobbyists who approach their favorite legislator, police officers, businesses, political supporters of their favorite candidates, lawyers, Democratic Party activists, current and for-

mer court employees and probably many others."

Lind repeated charges that judiciary employees, through a non-profit lobbying organization, have taken part in a number of political activities, such as catering food for legislators to canvassing.

"It is particularly disturbing that this political machine has not built up in secret... Many people have said, 'How silly,' or made fun of it, or belittled it," Lind said.

The judiciary lobbying group started "with pupu politics and turned it into an art," Lind said.

"In one sense I've got to take my hat off to them. They're organized. They've got their act together," he said.

"We realize that all public agencies must lobby for their own budgets. There's nothing

wrong with that. We believe that it is necessary to ask whether it is proper for any agency to make the leap from routine lobbying to wholesale involvement in partisan politics as the courts have done," Lind said.

The judges, however, aren't involved in the political activities of some judiciary workers that have raised questions of state ethics violations, Lind said.

"One question which needs to be answered is whether these (political) practices have involved judges themselves, or whether they are limited to judiciary administrators. There is need for caution on this point," Lind said.

"Clearly, judges have not been among the 'movers and shakers' in this situation. But, at the same time, they have not been magically isolated from the process," Lind said.

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House Speaker Scolds Common Cause

Friday, October 4, 1985 Honolulu Star-Bulletin A-5

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\$12,000 a year. In 1983, while Enomoto was still on the commission, the judiciary leased 4,860 square feet of office space from Maile Commercial, a partnership in which Enomoto held a major financial stake.

THE SPEAKER said he didn't like Common Cause's suggestions that judiciary lobbying activities might affect legislators' judgments on the courts budget. Common Cause has charged that some court employees, during work hours, made food for legislative staffers and lawmakers' fund-raising events.

"As long as they're doing it on their own time and really want to help people, I see nothing

wrong with it," Peters said. "You have to realize that legislators are people, too. Legislators sometimes work 16 hours to 20 hours a day without a chance to get something to eat."

Asked if the judiciary's food catering affected legislators' work, Peters replied, "Come on... give us more credit than that."

Peters' friend and close political supporter is Undersheriff Frederick "Cappy" Caminos, second in command of the sheriff's office who runs its day-to-day operations.

But Peters said his friendship with Caminos and Okuda doesn't affect his job. His office never gets involved with specific budget items, he said.

Rep. Fred Hemmings has said the sheriff's office has managed to get legislative approval of Uzi machine guns and other unneeded equipment without telling most lawmakers.

"Rep. Hemmings has been here for a year. You can't expect him to know all there is to know about government in this state," Peters said.

OKUDA IS AN effective lobbyist who "has never lied to us," Peters said. "Tom is that kind of inspirational leader. Personally, the state doesn't pay him enough for his help to the judiciary and that kind of success."

The judiciary budget showed little growth until about five years ago, he said.

Hawaii Report

The Honolulu Advertiser

Saturday, October 5, 1985 A-3

Unaware of ethics law-lease question, Cingcade says

By Jerry Burris
Advertiser Politics Editor

Former courts administrator Lester Cingcade said yesterday he was unaware that a lease arranged two years ago for the Waianae District Court may have violated state ethics laws.

Questions about the lease for the court space at the Maili Commercial Center in Maili were raised this week by Ian Lind, executive director of the citizen lobbying group Common Cause.

Lind said the arrangement may have violated state law against making non-bid business arrangements with any state employee.

Maili Commercial Center, Lind said, is owned by a business group in which Thomas Enomoto is a major figure. At the time the lease was arranged, Enomoto was a member of the Judicial Selection Commission, which selects candidates to become state judges.

The ethics law defines "employee" as including appointed members of boards and commissions. Enomoto, who is no longer on the Judicial Selection Commission, was appointed by House Speaker Henry Peters to the volunteer post.

Cingcade, who has since left the judiciary, said he made the

five-year lease strictly on the basis of economic considerations. At the time the site was located, he said, he was not even aware that Enomoto was involved in the firm that owned the building.

"I made a judgment on the economic viability of the matter," Cingcade said.

"I was not aware at the time that (the ethics restriction) would apply.

"As far as I was concerned, Mr. Enomoto was a volunteer on a board."

The issue, Cingcade said, may be "moot" now since Enomoto is no longer with the Judicial Selection Commission.

Lind said his point was not so much to talk about specific ethics violations as to illustrate the "shadowy network" that connects the judiciary, state legislators and others with political connections.

If there had been no connection between the owners of the Maili Commercial Center and the judiciary, Lind said, the selection of the leased office space on a non-bid basis would have been proper.

Cingcade said the location was recommended by an independent real estate leasing agent after a review of several potential sites along the Waianae coast.

Ex-Courts Official Says He Didn't Know Ethics Law

By Stirling Morita
Star-Bulletin Writer

The former top courts administrator wasn't aware that the state ethics law prohibits a government agency from awarding a large contract to its employees without seeking competitive bids.

Lester Cingcade, former administrative director of the courts, yesterday defended the judiciary's 5-year lease with a hui that includes a former member of the Judicial Selection Commission.

After a reporter told him about the law, Cingcade said he didn't consider a commission

member to be an employee because he volunteers his time to the state.

However, the ethics law says it applies to "any nominated, appointed, or elected officer or employee of the state, including members of boards, commissions, and committees, and employees under contract to the state, but excluding legislators, justices and judges."

THAT LAW SAYS a state agency can't give a contract to "a legislator or an employee or with a business in which a legislator or an employee has a controlling interest, involving services or property of a value in

excess of \$1,000 unless the contract is made after public notice and competitive bidding."

Cingcade said price quotes were sought for the Waianae District Court facilities, but the project was never submitted for public bidding. In October 1983, the judiciary signed the lease with Maile Commercial, in which businessman Tom Enomoto has a large financial stake. At the time, Enomoto was a member of the Judicial Selection Commission, but resigned last year.

"I suspect we can always Monday morning quarterback, but if a mistake was made, it was made in all sincerity and all

honesty," Cingcade said at a news conference.

The selection process was open, and it wasn't until late in the negotiations that Cingcade discovered that Enomoto was a principal in the transaction, Cingcade said.

IAN LIND, executive director of Common Cause/Hawaii, has said Enomoto had an apparent conflict of interest because of the lease. It was an example of "a shadowy network of political connections and obligations" surrounding the court system, Lind said.

Enomoto was the founder and director of Dura Constructors

Inc., which hired House Speaker Henry Peters at \$12,000 a year, when Peters appointed Enomoto to the Judicial Selection Commission in 1981. Robert McFarlane, another partner in the Maile Commercial building, and Enomoto have sheriff's badges.

Peters has said he had nothing to do with the District Court lease and didn't know that Enomoto had a financial interest in the Farrington Highway property.

Cingcade said he negotiated with McFarlane because Maile Commercial had the cheapest price. Lynn Tilton Ltd., a real

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Ex-Courts Official Cingcade Defends Leasing of Waianae Court Facilities

Continued from Page One

estate company, checked four office locations in the Leeward Oahu area after the court officials were notified that they had to move their facilities from the Waianae police station, he said.

PACIFIC SHOPPING Mall had space available for \$1.38 per square foot while Maile Commercial proposed \$1.09 per square foot, according to judiciary documents. One shopping center couldn't meet the deadline, and another declined to submit a price quote. The Waianae District Court operations occupy 4,860 square feet in the Maile Commercial building.

Cingcade resigned as top courts administrator in June to accept the job as president of Mid Pacific Institute.

Asked about questionable purchasing and employment actions in the judiciary, Cingcade acknowledged that there may have been "lapses of managerial judgment."

The sheriff's office bought eight used cars without shopping for the cheapest prices. Cingcade said he thought the cars didn't have to go out for bid because they had been leased and were used.

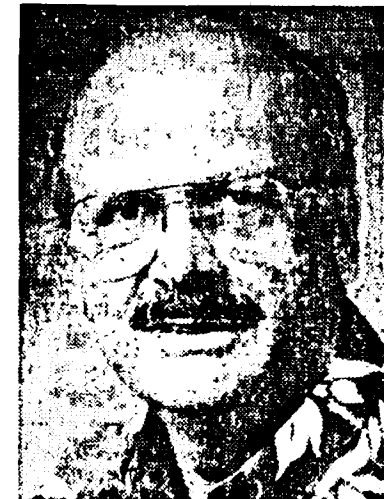
There is nothing wrong with buying those cars from salesmen who have sheriff's badges, he

said.

However, state law says government agencies must seek competitive prices for items costing more than \$4,000.

CINGCADE said he ended the lease contracts for the vehicles because they "were not in the best interests of the judiciary." The purchasing rules of the judiciary have since been changed to require bids or price quotes for leased and used equipment, he said.

Cingcade participated in the activities of Employees for Good Government Service and its predecessor Hui O'Kokua, lobbying organizations for the judiciary, he said. The judiciary doesn't



Lester Cingcade
An honest mistake

have a constituency and needed to establish its own support group.



Wednesday, October 16, 1985

A-3 Star-Bulletin

Some Court Officials Stop Serving Papers

By Stirling Morita
Star-Bulletin Writer

Some court supervisors who hold sheriff's badges have voluntarily stopped serving legal papers in lawsuits, the state sheriff's office says.

The action comes after Common Cause/Hawaii suggested that a special panel examine the relationship between judiciary workers and the sheriff's office.

Ian Lind, Common Cause executive director, had told the panel that some court supervisors appear to be spending "a lot of time" serving court papers. They apparently were picking up "pocket change," Lind said.

The committee was appointed by Chief Justice Herman Lum to look into allegations of misconduct by high-level judiciary administrators.

Janice Wolf, judiciary spokeswoman, yesterday said there has been no directive ordering court workers to stop serving legal papers. The sheriff's office reported that the action resulted "by word of mouth," Wolf said.

The reason for the action wasn't known, she said.

A Honolulu District Court supervisor said he stopped serving papers because it was time-consuming — not because of Common Cause's statement.

Deputy sheriffs and reserve officers get \$7 for taking a court document to parties in a lawsuit, usually a defendant. Lawyers

pay the state for the service, and the process server receives the money from the state.

COURT officials who have sheriff's badges include: Calvin Ching, a District Court administrator; Donald Okimoto, District Court fiscal officer; Clyde Namuo, Circuit Court legal documents officer; Hale Sato, head of District Court maintenance; and Pat Tanaka, District Court counseling and probation director.

In legal opinions, the state attorney general's office has said public employees can work in two different government jobs as long as the jobs don't conflict with each other.

Tanaka recently stopped serving court papers. That job was taking "too much time," and he was spending his evenings, lunch breaks and vacation time to handle the legal summonses, Tanaka said.

He had been serving court papers for about three months, Tanaka said. Because a friend moved to the Big Island, he took over the friend's work for several attorneys, he said.

He has turned over the work to the friend's brother, Tanaka said.

There is nothing wrong with a judiciary worker also serving papers for the sheriff's office, Tanaka said, "as long as it's done on your own time and doesn't interfere with the job."

Star-Bulletin

NIGHT FINAL

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HONOLULU, HAWAII Friday, Oct. 25, 1985

Three Sections VOL. 74, NO. 298 48 Pages 35¢

Judiciary Lobby's Address Apparent Violation of Law

By Stirling Morita
Star-Bulletin Writer

The state judiciary's private lobbying organization has used the address of the old Honolulu District Court building as its own in apparent violation of the state ethics law.

Hui O'Kokua, which lobbied for court-sponsored legislation and helped legislators with their fund-raising events, also has told the Internal Revenue Service that it doesn't spend money directly or indirectly for political purposes.

On its 1980 tax report, Hui O'Kokua listed its address and the addresses of its officers as 842 Bethel St., then the Honolulu District Court building. District Court moved to a new building on Alakea Street in November 1982.

Only 1980 records are available because IRS regulations no longer require annual filings unless the organization collects over \$25,000.

THE ETHICS law says: "No legislator or employee shall use or attempt to use his official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment for himself or others; including but not limited to the following:"

"...Using state time, equipment or other facilities for private business purposes."

In a recent opinion, the Ethics Commission said that "it believed that the ethics law requires that private business matters, including political campaign activities, must be separated to the

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Common Cause Is Alone in Judiciary Outcries, Director Says

By Stirling Morita
Star-Bulletin Writer

It is getting lonely questioning the politicization of state court workers, Ian Lind of Common Cause/Hawaii says.

"It has not been easy for Common Cause to pursue this issue in the face of such overwhelming silence in the political community," Lind said in remarks prepared for delivery to the Wahiawa Rotary Club yesterday.

Most politicians of both major political parties have avoided talking about the judiciary's lobbying and political activities,

he said.

"Similarly, many people outside the courts have been straining themselves to keep looking the other way," said Lind, Common Cause's executive director. "Even today, after nearly four months of progressive disclosures, there is an ominous silence from those who should be grappling with this issue in one way or another."

Political activities of some judiciary workers have gone on for numerous years, he said. These actions have routinely resulted in violations of laws and policies — "a situation which has

involved a majority of legislators and virtually all of the legislative leadership," Lind said.

"WHEN WE first started asking questions about the court's political activities, people warned us not to go on," Lind said. "These are powerful people in a powerful agency with powerful friends," he was told.

A "politically akamai" friend once told Lind: "People who are smart don't think about it."

Lind urged the group to question elected officials about the issue and what they intend to do about it.

"Not a single Democratic politician in or out of office has publicly criticized or questioned or taken the initiative to comment on the activities of the courts," Lind said. "Even those Democrats who are seeking to re-energize or redirect the party have continued to cover their eyes and bite their tongues."

On the Republican side, only Reps. Barbara Marumoto and Fred Hemmings have criticized the judiciary's politicking at the Legislature, he noted.

"For whatever reasons, Republicans as well as Democrats have been actively avoiding this

issue," Lind said.

He said the operations of the court system were "subordinated to politics."

"COURT AUDITORS had learned not to audit, at least not too closely. Personnel officers had to learn not to review hiring practices, at least not too closely. Fiscal officers had to learn not to scrutinize purchasing practices, at least not too closely," he said.

"In short, many of the most important people in the court's administrative structure had to learn not to do their jobs," Lind said.

Questionable hiring, purchasing, ticket-fixing and lobbying practices have "jeopardized public confidence" in the courts and "undermined morale" of court employees, he said.

Some court officials supposedly have spent large portions of their work days to plan and do these political activities, Lind said.

"And they have squandered public funds, since we as taxpayers ultimately have to foot the bill for all the time spent by court workers on these various political projects," he said.

Judiciary Lobby's Address Use Apparently Runs Afoul of Law

Continued from Page One
greatest extend (sic) possible from state affairs.

"For example, in the commission's view, state addresses could not be used by state officials and employees for their private business purposes."

In 1972, the commission advised that even the listing of a state telephone number on a letter soliciting donations for a presidential candidate would violate the ethics provision.

Donald Okimoto, District Court fiscal officer who was then Hui O'Kokua's secretary-treasurer,

listed his state telephone number on the income tax report.

The Bethel Street address was used as "a matter of convenience because we were there," said Okimoto, who filled out the tax report. All of the group's officers then worked at District Court, he noted.

CLYDE NAMUO, Circuit Court legal documents officer, then Hui O'Kokua's vice chairman, said, "I'm sure it wasn't intentional that we used a state building's address."

Whenever he conducted the group's business, he made sure

that his or his mother's private address was used, Namuo said. The same goes for Employees for Good Government Service (EGGS), the successor to Hui O'Kokua, he said.

In past campaign-spending reports, legislators have listed EGGS's or Hui O'Kokua's addresses as the new or old District Court buildings.

Namuo and sheriff's Lt. Roy Murayama were the top officers of both Hui O'Kokua and EGGS. Okimoto said he was secretary-treasurer because he was the only accountant available and later gave up the position.

Okimoto also has been the campaign treasurer for House Speaker Henry Peters in the past few elections.

According to the last available tax report, Hui O'Kokua said, it raised \$4,500.97 in 1980 — \$2,964.66 from the general public, \$54.95 from a sausage sale and \$1,481.36 from the State Farm Fair.

THE GROUP spent \$5,869.70 for "club costs," but didn't break

down its expenses, according to the report. The organization had a \$2,571.93 surplus before the start of the 1980 reporting period and ended the year with about \$1,200.

The tax-exempt lobbying organization has always raised a small amount of money each year, Namuo said. Tax reports for other years may not have been filed because the IRS only requires annual reports when revenues exceed \$25,000, he said.

On the report, Hui O'Kokua didn't list "any political expenditures, direct or indirect."

Namuo said that resulted "probably because we never considered the expenditures to be political in nature." They believed the services were for the benefit of the judiciary and not politicians, he said.

IRS instructions for tax-exempt organizations say: "A political expenditure is one intended to influence the selection, nomination, election, or appointment of anyone to a federal, state or local public office..."

Under its tax exemption, Hui O'Kokua is a civic organization. IRS rules say such a group must operate "exclusively" for social welfare. The IRS says promotion of social welfare doesn't include "direct or indirect participation or intervention in political campaigns on behalf or in opposition to any candidate for public office."

HUI O'KOKUA provided free lunches to legislators and assisted them in preparing food for their fund-raising events. In many instances, the group provided equipment, time and materials for the fund-raisers and was reimbursed by the candidates. The group also has prepared lunches for school children who tour the court buildings.

In 1982, the National Center for State Courts said, "To list the results of the remarkable relationship between the legislative and judicial branches of government in Hawaii is to itemize major strengths of the Hawaii court system...facilities improve-

ments, separate personnel system for employees, independent fiscal system, active volunteer program and so forth."

However, Common Cause/Hawaii has criticized the group's activities, saying "they compromise the independence, impartiality and objectivity of the courts and that they violate standards of ethical conduct applicable to public employees."

Controversial Court Aide on Sick Leave

Tom "Fat Boy" Okuda, controversial courts official, will be off the job through the end of the year because of a medical problem, a judiciary spokesperson said today.

Okuda, deputy administrative director of the courts, is suffering from high blood pressure and will be on sick leave from today through Dec. 31, spokesperson Carol Dodd said.

Okuda's doctor says Okuda shouldn't be exposed "to stress at this time" which could aggra-

vate his condition, Dodd said.

Chief Justice Herman Lum has said he is concerned about Okuda's health.

The chief justice has imppaneled a citizens group to look into allegations of misconduct by some court workers.

The operations of the court system have been under attack for nearly four months. Among the criticisms were that the courts have bought items without seeking competitive prices and hired temporary workers for long periods of time without

administering required civil service examinations.

Common Cause/Hawaii has criticized Okuda, the judiciary's chief lobbyist, for violating the state ethics code by providing food, fixing traffic tickets and doing other favors for legislators.

Rep. Fred Hemmings has also criticized the sheriff's office, which falls directly under Okuda's control, for wasting taxpayers' money and duplicating the services provided by police.

Honolulu Star-Bulletin

Nov 14

A GANNETT NEWSPAPER

Study Panel Urges Limits on State Sheriff's Arms Arsenal

By Stirling Morita
Star-Bulletin Writer

The state sheriff's office will disband its SWAT and bomb detection



Lum
enforcement experts has determined.

squads and won't be buying any more Uzi machine guns. Such additional weapons and operations are improper for the judiciary's security force, a three-member

Chief Justice Herman Lum, who set up the panel, will follow those recommendations and others. Among them are that the sheriff's office:

- Use the Honolulu Police Department's Tactical Operations Division in dangerous situations instead of the sheriff's SWAT squad.

- Shouldn't buy any more Israeli-made Uzi machine guns, AR-15 semi-automatic rifles and laser-scoped sniper rifles. The office, however, can keep the Uzi machine guns and AR-15 rifles already in its arsenal.

- Get rid of three counter-sniper rifles it owns. The panel said the weapons "do not fit into the mission of the sheriff's department."

- Buy only .357-caliber Magnum and .38-caliber handguns and 12-gauge shotguns.

- Summon the Honolulu police's bomb squad instead of the sheriff's explosive disposal unit.

- Use only two of the five sheriff's dogs for court security. The bomb-detection dogs only should be used. The panel said it "cannot understand the use of narcotic-detection dogs in a court environment."

- Consider use of X-ray machines and magnetic-detection devices at courthouse entrances to eliminate "the majority of problems associated with the security of the court system."

The panel members met for two days this week. They are Honolulu Police Maj. Joseph

Aveiro; William Brookhart, supervisory inspector of the U.S. Marshal's Office; and John Knox, chief of the Los Angeles County Sheriffs Department.

In its report issued today, the panel says: "It is apparent to this

Lum Promises Payback, Page A-10

committee that some strains exist between the sheriff's department and the Honolulu Police Department."

Relations could be eased through meetings with top officials of the two agencies, the panel said. The two agencies could work out agreements on bomb threats, tactical teams, dog

training, automatic weapons, prisoner-booking procedures, prisoner transports and protection for threatened judges.

State Rep. Fred Hemmings, who has criticized the sheriff's office for duplicating the services of HPD and saying it wastes taxpayers' funds, today called the panel's report a "significant event."

Hemmings said the panel's findings are "a validation of our original claims."

"I'm quite pleased with it," he said. "The real beneficiaries will be the average person on the street who has been paying for all these shenanigans."

Hemmings had questioned the need for the sheriff's office to maintain a \$100,000 dog team

when it could use the police department's services.

He also said the sheriff's office also did not need high-technology equipment, including the Uzis and laser-directed rifles. He criticized the sheriff's office, saying it had become a statewide police force.

Frederick "Cappy" Caminos, second in command of the sheriff's office, and Chief Justice Lum had denied that the sheriff's office had become a police force.

The sheriff's office is chiefly responsible for serving court papers, arresting people on traffic warrants, providing court-

Turn to Page A-4, Col. 3

Panel Reshapes Sheriff's Office Policy on Weapons

Continued from Page One
house security and transporting prisoners.

The panel said that besides the handguns, the sheriff's office should only be allowed to buy additional 12-gauge shotguns.

The sheriff's office at present has two Uzis and two AR-15 semi-automatic rifles. It wanted to buy another three Uzis, but Lum blocked any additional purchases until the panel finished its work.

The sheriff's office can keep the two Uzis and two AR-15s, but use them in only three types of situations:

- Personal security for threatened judicial personnel.

- Protection for threatened witnesses.

- Transportation of "high-risk" prisoners.

The four weapons should be kept under "the strictest possible security" and issued by the order of the second in command, the panel said. Certain sheriff's deputies should finish "an approved course of training" with these weapons every six months, and the training should be coordinated with Honolulu police, the panel said.

The panel also said the sheriff's office shouldn't allow the service of arrest warrants "to escalate into life-threatening situations."

Meanwhile, an independent panel's examination of allegations of misconduct by some state judiciary workers won't be finished probably until late January or early February, Dorothy Lum, panel cochairperson, has said.

The five-member panel initially set Dec. 31 as the target date to complete a report of findings and recommendations to Chief Justice Lum, she said.

But the panel still is busy gathering information about the court system, she said. "There seems to be a lot of pieces to be looked at," she said.

In August, the chief justice appointed the panel to look into

allegations of ethical violations by court workers' lobbying techniques at the state Legislature and administrative problems in the sheriff's office.

Common Cause/Hawaii has charged that some judiciary workers have violated the state ethics code by providing legislators with food prepared by court employees while they were supposed to be working in their official jobs.

B-6 Friday, November 15, 1985 The Honolulu Advertiser

Lum to give son's pay back to state

Chief Justice Herman Lum intends to "repay" the judiciary for a salary it paid his son as a summer student intern earlier this year, court spokeswoman Carol Dodd said yesterday.

Lum decided to voluntarily repay the courts for his son's salary, Dodd said, when he concluded it would be improper for a member of his family to earn money working for the agency he directs.

Jonathan Lum worked this past summer as a

research aide for the courts upon the suggestion of his father. The exact amount he was paid as a student intern is considered private information.

The chief justice, Dodd said, "does not mean to set an example for anyone else. This is a standard he has set for himself."

The money will probably go to one of the court system's ongoing volunteer or law education programs, Dodd said.

Honolulu Star-Bulletin

Published by Gannett Pacific Corporation

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News Editor; Charles E. Frankel and Carl Zimmerman, Assistant Editors,
Editorial Page.

Published at 605 Kapiolani Boulevard Honolulu, Hawaii 96813

A-22

Friday, November 15, 1985

Reform Measures for Sheriff's Office

A three-member panel of law-enforcement officials has come up with a list of recommendations to bring the equipment and operations of the state sheriff's office in line with its mission. The panel was formed after disclosures that the office had acquired an arsenal of weapons, plus a dog team, that seemed to exceed its requirements and made it look like a budding state police force.

Among the recommendations: that the sheriff's office disband its SWAT and bomb detection squads and call on the police department's units instead; stop buying machine guns, semi-automatic rifles and sniper rifles and get rid of the sniper rifles it owns; use only dogs trained in bomb detection for court security, not its narcotics-detection dogs; and consider the use of x-ray machines and magnetic detection devices for security.

The panel also recommended that top sheriff and police officials meet to improve relations and reduce friction between their organizations by working out agreements on such problems as bomb threats, dog training and the booking of prisoners.

State Rep. Fred Hemmings, who had publicly questioned some of the operations of the sheriff's office, hailed the recommendations. Having devoted considerable attention to Hemmings' disclosures and made some of our own, we at the *Star-Bulletin* are also pleased with the report and gratified that Chief Justice Herman Lum plans to implement the recommendations.

The chief justice has acted with commendable speed and determination in dealing with the charges. They appear related to situations he inherited. But he has not offered that as an excuse, moving instead with swiftness to get to the bottom of things. His approach has been direct, rather than defensive; in support of the public interest and something of a model for other officials who may encounter similar circumstances.

The chief justice is still awaiting a report from another panel he formed to study allegations of improper behavior by state judiciary officials.

Those allegations, made by Common Cause/Hawaii, had to do with apparent violations of ethical standards by judiciary employees involved in political activities.

And Lum also deserves credit for volunteering to repay the government the salary his son received while working last summer in traffic court. The decision reflects the chief justice's aim to clear up even the least hint of a questionable practice in his department.

Honolulu Star-Bulletin

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Editorial Page.

Published at 605 Kapiolani Boulevard Honolulu, Hawaii 96813

A-12

Thursday, November 21, 1985

Legislative Proposals Seek Judiciary Reform

Responding to disclosures of questionable practices in the state judiciary, five Republican members of the state House of Representatives have proposed a legislative package to close loopholes in state purchasing, hiring and ethics laws.

The proposals would require that employees hired without taking civil service exams be limited to six months' service in a year; reduce the value of purchases for which competitive bids must be sought; increase the penalty for conducting political activities during work hours or while on government property; and require government appointees to disclose political contributions of \$100 or more on their financial reports filed with the Ethics Commission.

These proposals deal with problems disclosed by the *Star-Bulletin* and *Common Cause/Hawaii* related to involvement in partisan politics by judiciary employees. The sponsoring legislators applaud the efforts of Chief Justice Herman Lum to deal with the problems but believe that a legislative response is also required. The proposals deserve serious consideration in the next session of the Legislature.

Another proposal would establish a citizens' panel to review the performance of judges and hold confirmation hearings after they have served on the bench for three years. A process is already in place to review the performance of judges when they seek reappointment, and that seems adequate.



No bidding allowed

The government's non-bid contracts: Does the best man always win?

"I SAID IT BACK IN '72," shrugs re-elected Mayor Frank Fasi. "In government, there is the marked tendency that people who are friendly to the administration—and being friendly includes contributions—are considered (for government work)." As Fasi indicates, there's nothing new or unusual about that statement. But particularly after a turnover in administration when the jockeying by businesses for the favor of politicians is at its most fierce—and obvious—public scrutiny and criticism focuses on the ways and means government doles out the millions of dollars in contract work.

While most of the governments' dollars for janitorial services, supplies and gardeners, as well as capital projects such as roads, airports, and sewage systems simply go to low bidders on contract projects, about four percent of the total winds up in the pockets of architects and engineers who, in 1984, received about \$7.5 million from the state and another \$7.8 million from the City & County of Honolulu in *non-bid* contracts—and that's where eyebrows begin to raise. Since the firms that receive the contracts (see charts, page 52 and page 53) didn't bid for them, observers through the years have wondered why some got the jobs and others didn't. Is it, as Mayor Fasi says, friendships—including contributions—that count?

The state and city governments both say they award non-bid contracts because, in many cases, they don't want the lowest bidder. One state official says, "You wouldn't hire the lowest bidder to perform heart surgery, would you?" The state and city both consider architectural and engineering skills as talents that aren't equal among all professionals (that goes for legal, appraising, auditing, computer and accounting skills as well, which also benefit from a small number of non-bid contracts). Many companies have developed specialties over the years, such as Aotani & Associates, which has developed an expertise in designing prisons, SSFM Engineers which specializes in sewage treatment projects, and R.M. Towill Corp., which offers aerial surveying capabilities.

"We could do it by rotation and award contracts to the next one on the list," says state comptroller and director of the Department of Accounting and General Services (DAGS) Hideo Murakami, who

makes the final non-bid contract decisions for DAGS. "But it would be a mediocre system and there'd be pressures about all the shoddy work we were putting out." So, instead, the non-bid selection process leans away from strictly price competition and toward such qualitative criteria as reputation, quality, and dependability.

That makes awarding non-bid contracts a judgment call, made largely by just a few people—state department heads, and managing director D.G. "Andy" Anderson for the city and county of Honolulu. Each says he makes his decision after hearing recommendations

"You wouldn't hire the lowest bidder to perform heart surgery, would you?"

from their respective department heads, who'll work directly with the architects or engineers. Says Common Cause executive director Ian Lind, "An important thing to consider is where the decision is being made. The further down the ladder, the more likely the concern is that the work be good. The higher up, the more potential there is for the decision to be political."

Solid moneymakers. Since the decisions for both the state and city are made close to the top of each governmental body, non-bid contracts have been held up to public scrutiny and criticism, particularly given that non-bid contracts can be lucrative and only a handful of companies receive the bulk of them. During 1984 at the city level, 51 different architectural and engineering firms received 74 non-bid contracts totaling \$7.8 million in 1984, with 13 firms receiving \$100,000 or more. The firm receiving the most in both volume and dollar amount from the city, M&E Pacific, whose specialty is civil and sanitary engineering, claimed more than 39 percent of the total non-bid awards for engineering jobs done largely for the city's Waste Water Management Department. Furthermore, of the 51 firms, 13 of

them received 83.4 percent of last year's total non-bid dollars that were awarded to architects and engineers.

During 1984 at the state level, 106 architectural and engineering firms split up 278 contracts totaling \$7.5 million. Over the past five years, the state has awarded more than 200 different architectural and engineering firms with a total of 1,798 non-bid contracts adding up to about \$56.4 million. Of those, the 17 firms in the million-dollar club—firms awarded more than \$1 million in government non-bid contracts—claimed nearly half of the total dollar volume awarded during the period. Last year alone, number-one firm, Sam Chang, Architect & Associates (see story, page 54) won three contracts from the state to design Kahului Airport's new terminal building for \$1.4 million and another \$100,000 contract for the City & County of Honolulu's central wastewater collection maintenance facility design.

There may be money in non-bid work, but how do companies get in on the action? Of course, companies have to have a track record. The architectural and engineering firms netting the most non-bid contracts say they started on small jobs: studies on painting a building, or space requirements, or landscaping. And, of course, the firms must establish a relationship with the decision-makers. Besides filling out the standard form to show interest in winning non-bid contracts, both state comptroller Murakami and City Finance director Rizalino Vicente say architects and engineers should show an active interest in them, their respective positions, and their projects. The architects and engineers who get the contracts know this, and visit the offices of the decision-makers on a regular basis, if only to drop off their latest brochure or chew the fat.

Greasing the wheel. But the part of building a relationship with government officials that draws the public attention and suspicions is the role of political campaign contributions in influencing these discretionary decisions. Most claim they don't know for sure if there's a *quid pro quo* system at work in either the state or city/county governments. However, they do know the process of influence is subtle and most think it's important to give something, because it'll be remembered.



Architects Hawaii's Joe Farrell: cashing in on state building design.

Those in government, however, think that architects and engineers are more inclined to contribute because they're grateful for the contracts.

Certainly, there seems to be some connection between campaign contributions and non-bid contract awards. Last year, Common Cause claimed that fully 70 percent of all state non-bid contracts for architectural and engineering services went to firms which had contributed \$1,000 or more to Gov. Ariyoshi's 1982 re-election campaign. Further, according to a comparison between Campaign Spending Commission records and DAGS' list of 1983 contracts, the nine firms which gave more than \$4,000 to the



TRB's Reinhardt: The former rabble-rouser helped force a change.

campaign received 26 percent of the non-bid contracts during that year. (It became illegal to give more than \$2,000 per special, primary, special primary and general election in June 1979. Most firms that overgave attributed it to ignorance of the new law.) While the eight firms that overdid it may have benefited collectively, individually the contribution-award connection falls short. Nakamura & Tyau, Inc., for example, gave \$11,050, while Architects Hawaii came in at \$8,200 and Ho & Okita contributed \$6,625. But, in 1983, while Architects Hawaii received \$1.75 million in non-bid contracts, Nakamura & Tyau brought in only \$61,600. Ho & Okita? A mere \$2,400.

Most architects and engineers consider giving money to politicians just a part of doing business but, over the years, it's grown into a sore spot with some. Some say they simply can't afford to give at the levels they think are necessary. "Design is not highly profitable," says Media Five's Evan Cruthers. "If you have to use your profit funds to contribute, it hurts. But we know it's important and we'll give



Ed Antani: Diversifying as a way to avoid dependence on government.



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City's Vincent: His department cuts checks for contract awardees.

more in the future." Others resent being continuously hit up for money. "They don't call you up and ask," says one architect. "They call up and tell you they have tickets for you to sell. It really amounts to extortion." Those architects and engineers who do play the giving game tend to play it safe and simply contribute to everyone.

Better than it used to be. Despite the criticisms, many architects and engineers say the non-bid process within both the state and city/county governments is more fair now than it's ever been. Part of that, no doubt, is due to the political and bureaucratic system that seems to have opened up in recent years, mostly at the insistence of a group of rabble-rousing architects who got fed up with being left in the dark about something that intimately affected their own profession.

Until 1977, the non-bid selection process was criticized, but not much was done about it. That year, however, young architect Jim Reinhardt, then the president of the local American Institute of Architects chapter (AIA), became the chairman of Common Cause Hawaii. Reinhardt, who had himself done a few non-bid government jobs, decided that there should be more sun shining on the non-bid process and, with the backing of both the AIA and Common Cause, took his complaints to the state Legislature, the City Council and the newspapers. What the groups wanted was a set of hard-and-fast guidelines, and also a list published annually of every consultant who received a non-bid contract and the amount awarded.

Some architects and engineers supported the cause—mostly those who didn't do government work, says Reinhardt. Others, however, wanted the whole thing to die quietly. Which it eventually did. Although the legislation proposed to the state Legislature never came to pass, comptroller Murakami

agreed to write a set of guidelines and to publish the requested list of annual awardees and amounts. Comptroller Murakami also appeased the group of architects by spreading the wealth amongst some of the smaller firms. "Murakami has at least been aggressive about distributing the small contracts," says Reinhardt, now a principal in downtown Honolulu firm TRB Associates. And, both of Murakami's concessions, he agrees, make the non-bid process less suspect than it used to be.

The city went even further than the state, however. At the insistence of councilmember Marilyn Bornhorst, the council considered an ordinance es-



Media Five's Cruthers: Contributing to political campaigns can get expensive.



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Season's Greetings

From KHVH NEWSRADIO 99

and the folks at NBC, ABC and Mutual who help make us
Hawaii's radio news leader.

Jumbo Jobs:

The state's five biggest 1984 non-bid contracts

Project	Firm	Amount
New terminal building for Kahului Airport	Sam Chang, Architect & Associates	\$1,430,000
Plans, specs and estimates for non-port water system	Akinaka & Associates, Ltd.	515,000
Extended runway safety area	Richard M. Sato & Associates	480,000
Plans and specs for Kapiolani Community College at Ft. Ruger	Joint venture: Robert M. Matsushita & Associates/Murayama, Kotake, Nunokawa & Associates	420,000
Flight Information display system	Parsons Hawaii	325,000
Total		\$3,170,000

Source: State comptroller's office, based on reports from other state departments.

The State's Top '17:

Hawaii architectural and engineering companies with \$1 million or more in non-bid contracts—1979-1984

Name of firm - Principals	Number of contracts	Total amount
Sam Chang, Architect & Assoc. - Sam Chang, CHB - Edward Lee, PR	10	\$3,703,398
Architects Hawaii, Ltd. - Cyril Lemmon, CHB - Francis Haines, PR	23	2,093,787
GACI, Inc. - Walter Tagawa, PR	6	2,049,557
Miyachi/Leong/Matsushita/ Anbe (joint venture)	1	1,995,000
Anbe, Aruga & Ishizu - Takashi Anbe, PR	22	1,921,597
Architects Hawaii/Anbe, Aruga, Ishizu (joint venture)	1	1,750,000
KFC & Assoc. - George Fan, PR	1	1,500,000
Calvin Kim & Assoc.	8	1,464,396
Wilson, Okamoto & Assoc. - Mineo Okamoto, PR	25	1,457,408
Richard M. Sato & Assoc.	10	1,352,520
Robert M. Matsushita & Assoc. - Robert Matsushita, PR	11	1,342,275
SSFM Engineers, Inc./ William Hee & Assoc. (joint venture)	1	1,300,000
Belt, Collins & Assoc. - Frank Lyon, PR	2	1,095,000
R.T. Tanaka Engineers, Inc.	18	1,091,017
Austin, Tsutsumi & Assoc.	18	1,034,048
R.M. Towill Corp. - Donald C.W. Kim, PR	27	1,003,294
Miyachi/Leong/Anbe (joint venture)	1	1,000,000
Total	185	\$27,153,277

Source: Department of Accounting and General Services, based on reports from the state's Department of Transportation, Land and Natural Resources, Hawaii Housing Authority, Hawaiian Homes Commission, University of Hawaii, Department of Defense and Department of Accounting and General Services.

tablishing rules and regulations for non-bid contracts at the city level that would require public announcement of upcoming jobs and, after selection, public disclosure of awards. Additionally, the ordinance sets out specific qualities and credentials that architects and engineers must have, according to the specific job. According to Bornhorst, the proposed ordinance ended up a bit diluted—some architects and engineers, for example, pressed the city, and won, to not disclose names of firms which had sought non-bid contracts and failed, since, they said, it would release information that was too vital to their continued success. But, overall, its passage was a welcomed improvement to many architects, engineers and Common Cause.

Still, some of those architects and engineers now lean more toward federal non-bid work rather than state or city/county. They say the federal government's non-bid process is, by far, more fair than the two local governments'. The

"They call up and tell you they have tickets for you to sell. It amounts to extortion."

federal government operates under what it calls the Brooks bill, which requires daily publication of upcoming jobs in its newsletter called *Commerce Business Daily*. The state, on the other hand, publishes upcoming projects annually. Additionally, the Brooks bill requires each proposal invitation to list in detail specific criteria necessary for each job. Applicants must send in a list of qualifications and a standard form. Moreover, some government agencies restrict firms to a certain dollar amount in non-bid contracts a year.

What now? For several Hawaii architectural and engineering firms, doing federal jobs is also a way to avoid depending too heavily on the two local governments and the corresponding vulnerability to political uncertainties. Particularly with recent or upcoming administration changes at both levels, some architects and engineers admit to wondering about their positions in the post-election non-bid process. At the city level, for example, companies that had established a relationship with former Mayor Eileen Anderson and her bevy of department directors, now must re-establish themselves with Mayor Fasi and his crew. Considering very few architectural or engineering firms contributed to Fasi's campaign last year, the ones that didn't may be justified in feeling nervous. The city's top 1984 non-bid contract

awardee, M&E Pacific and its principals, for example, gave a total of \$6,200 toward Anderson's re-election campaign and none to Fasi's bid for mayor. While there may be no connection, M&E's latest city project for up to \$915,066 to oversee construction of improvements to the Waianae sewage treatment plant was cancelled mid-summer because Fasi thought the contract amount—which former Mayor Eileen Anderson set and awarded to M&E late last December—was excessive. M&E charged that the cancellation indeed was based on political issues, rather than economic ones. M&E, as well as many other architects and engineers, anted up contributions to the mayor's May 2 fundraiser at the Hilton Hawaiian Village.

History repeated. What's happening at the city level this year may just happen at the state level next year when Gov. Ariyoshi gives up his seat. The uncertainty has led some architectural and engineer-

Some local architects got fed up with being left in the dark about who got awards.

ing firms to wonder whether the next administration will view them as favorably and, just in case, to look to other sources for future growth. Aotani & Associates, who master planned the Honolulu, Keahole and Lihue airports (now under construction) has reduced its dependency on government work and expanded its private-sector business. Already, it has established offices in Japan and San Francisco to attract potential clients, has gotten involved in a \$60-million joint-venture project in Texas, and last year spent \$160,000 for a computer-aided design and drafting system and architectural programming capabilities that's put it on the leading edge technologically, and that, says Aotani, helps the firm attract clients. "We want to diversify so we don't have to be that dependent on the government," says Ed Aotani. "That's how you handle the changes a new administration brings about."

Despite the time, cost, subtle complexities and vulnerability of getting involved in non-bid contract work, there will always be architects and engineers ready and willing to do the government contract work. And, for the most part, claim architects and engineers, as well as government officials, the system works. "I think the local governments have a genuine interest in doing good work," says one architect. "Unfortunately, the political system sometimes gets in the way." ■

Lucky 13:

Hawaii companies receiving \$100,000-plus in 1984 contracts awarded by the City & County of Honolulu

Name of firm - Principals	Number of contracts	Total amount
M&E Pacific - Ben Taguchi, PR	5	\$3,044,029
R.M. Towill - Donald C.W. Kim, PR	3	1,201,444
Mitsunaga & Assoc. - Dennis K. Mitsunaga, PR	4	459,993
Maurice Yamasato & Assoc. - Maurice Yamasato, sole proprietor	2	322,160
Robert M. Matsushita & Assoc. - Robert Matsushita, PR	2	287,549
Park Engineering - Larry K. Matsuo, PR	4	243,000
Austin Tsutsumi & Assoc. - Donald S. Austin, PR - Caesar S. Tsutsumi, Sr. VP/Tr	2	234,500
Belt Collins & Assoc. - Frank Lyon, PR	1	142,113
Richard M. Sato & Assoc. - Richard M. Sato, PR	2	138,850
Fujita & Assoc. - Akira Fujita, PR	2	117,020
Sam Chang, Architect & Assoc. - Sam Chang, CHB - Edward Lee, PR	1	100,000
CJS Group Architects - Christopher J. Smith, PR, Sec. Tr.	1	100,000
VTN Pacific - Charles Yoon, PR	1	100,000
Total	30	\$6,490,658

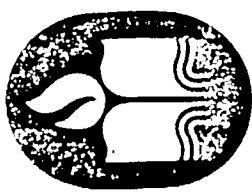
Source: Department of Finance, City & County of Honolulu

Racking 'em up:

Who got the most state projects?—1979-1984

Name of firm	Number of contracts	Total amount
Ernest K. Hirata & Assoc.	54	\$326,528
Walter Lum Assoc., Inc.	41	268,974
Dames & Moore	33	147,272
Imata & Assoc.	32	295,281
Ronald H. Nagata	31	700,974
MK Engineers, Ltd.	29	228,781
Ho & Okita, Inc.	28	176,214
Clarence Fong	27	135,482
Alan Y.L. Leong	27	169,683
R.M. Towill Corp.	27	1,003,294
Cedric D.O. Chong & Assoc.	25	151,430
Design Engineering, Inc.	25	430,193
Wilson, Okamoto & Assoc.	25	1,457,408
Albert Chong & Assoc.	24	136,355
Mechanical Engineers of Hawaii	24	540,303
Architects Hawaii, Ltd.	23	2,093,767
Anbe, Aruga & Ishizu	22	1,921,597
Fewell Geotechnical Engrg.	22	105,105
Intersland Architects Inc.	22	112,360
Miles Onishi & Assoc.	22	226,805
Ronald N.S. Ho & Assoc.	21	150,608
Roy Sako	21	405,102
Randolph H. Murayama & Assoc.	21	221,066
Portugal, Ibara & Assoc.	20	136,813
Syntech, Ltd.	20	401,170
Total	666	\$11,942,385

Source: Department of Accounting and General Services, based on reports from the State Department of Transportation, Land and Natural Resources, Hawaii Housing Authority, Hawaiian Homes Commission, University of Hawaii, Department of Defense, and Department of Accounting and General Services



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University of Hawaii, Honolulu, Hawaii

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Open meetings debate continues

by Ann Murakami
staff writer

The state attorney general's opinion that ASUH is not required to have open meetings under the Sunshine Law is "totally wrong," according to Ian Lind, executive director of Common Cause/Hawaii.

Lind said his organization will send a memo stating this view to the attorney general's office and the UH administration.

If the ASUH senate closes its meetings, Lind said, his group, which advocates open government, will go to court in an attempt to order ASUH to open its meetings.

ASUH President Ross Nishioka declined to comment on Lind's plans, but in an earlier interview Nishioka said the attorney general's opinion would not affect the senate's own rules of order, which require open meetings.

Russell Suzuki, a deputy attorney general, appointed after the letter of opinion was issued, said the opinion states clearly the definition of a board. ASUH does not qualify, he said.

Suzuki said the regents have not delegated any of their statutory or constitutional power to ASUH. "The student senate does not make any decisions for the BOR, and the board is not required to follow any decisions that ASUH makes," Suzuki said.

Lind disagreed with the letter of opinion and said ASUH has been given responsibilities by the regents. He cited the board's bylaws, which state that the board has authority over student organizations and the student government in student and campus matters.

He said the attorney general's office did not look at any of the documented facts concerning student organizations that have the authority of and act on behalf of the regents.

Lind said the letter does not cite a reason for its decision that ASUH cannot be defined as a board.

Jeffrey Portnoy, an attorney who has studied the open-meetings law, said he questions the vagueness of the letter, which does not explain why ASUH is not considered a board.

He said ASUH could be considered a board under the same law the attorney general used. ASUH, Portnoy said, is a committee under the authority of the Board of Regents, which fall under the authority of the state.

Lind said that because ASUH falls under the regents' authority, it has the authority to act for the board on student matters. He said it sets student fees, hires office staff members who then become public employees and oversees and spends the senate budget.

Money for the senate is allotted from the Student Activity Revolving Fund, which contains all the required student activity fees collected by the university for chartered student organizations.

Barbara Kawamoto, fiscal officer, said the fund consists of student activity fees of \$29.85 per student, which are collected during registration. She said the total figures come to about \$500,000 each semester.

Deputy Attorney General Harriet Lewis said there is nothing in the statutes that says an organization receiving public funds should be subject to the open meeting laws.

Judicial 'accountability' questioned

The state judiciary is suffering a "significant lack of accountability" in its handling of traffic citations by court personnel, Common Cause executive director Ian Lind said yesterday.

Lind's comments came in a letter to David Fairbanks, co-chairman of the Special Judiciary Investigation Panel, a citizen panel appointed by Chief Justice Herman Lum in the wake of allegations that court workers have engaged in political and financial wrongdoing.

Common Cause has been one of the chief critics of the ju-

diciary's political and lobbying activities.

In October, Lind wrote to the courts with a series of questions concerning the handling of traffic tickets and parking citations. Court Public Information Officer Carol S. Dodd answered Lind's questions concerning the numbers of tickets issued and the numbers handled non-judicially last month.

For the past three years, Dodd said, there were between 70,874 and 85,231 tickets administratively "voided" or "adjusted" each year. That's out of a

total of 610,000 or more citations a year. There was no breakdown of specific categories such as "legislative immunity," "official business" or special arrangements such as with car rental firms.

The lack of detailed accounting or specific policy for handling administrative dismissals creates a possibility of abuse, Lind contended in his letter to Fairbanks.

Among other things, Lind said there is "the potential for favoritism and abuse by court employees."

Need Law to Protect Whistle-Blowers, Hemmings Says

By Stirling Morita
Star-Bulletin Writer

Government workers who know about corruption or misconduct in their agencies should be protected from reprisals when they reveal such information, state Rep. Fred Hemmings says.

Hemmings says he has received information from frightened employees about state government irregularities and that a "whistle-blower protection" law is sorely needed here.

The government employees who have contacted his office since he raised questions about the state sheriff's office in July are afraid they'll lose their jobs or be harassed if their bosses find out they supplied information about misconduct, he said.

"All laws on the books are worthless if a corrupt official is in charge of their enforcement," Hemmings said.

THE KAHALA REPUBLICAN said a former sheriff's official who provided him with information was fired because "he was seen going to and from my office."

Another sheriff's deputy, Alex Gar-

cia, has been harassed since a high-ranking deputy sheriff saw him going into Hemmings' legislative office, Hemmings said at a news conference today at the State Capitol. Garcia also was at the news conference.

The whistle-blower measure is part

Constitutional protection of legislators "is archaic and no longer needed," legislator Fred Hemmings says. "It is a vestige of a bygone era where legislators were waylaid on their way to the Legislature. They should not be above the law."

of an anti-corruption package that Hemmings will introduce during next year's legislative session.

It would protect state and county employees "who lawfully disclose information which they reasonably be-

lieve indicates a violation of law." This would include mismanagement, waste of funds, abuse of power and danger to public health and safety.

HEMMINGS SAID HE HAS received allegations of misconduct from people who want their names to be kept confidential. He declined to be specific but noted that two of the charges involve:

— The non-bid award of a roofing contract to a company that had just donated \$1,000 to a politician's campaign fund.

— A \$250,000 government, low-interest loan to a newly formed company composed of a former politician and political insiders that competes with other private firms.

The other parts of Hemmings' legislative package would correct some of the problems uncovered recently within the state courts system.

One measure would eliminate the constitutional protection of legislators from arrests.

"It is archaic and no longer needed," Hemmings said. "It is a vestige of a bygone era where legislators were waylaid on their way to the Legisla-

ture. They should not be above the law."

THE STAR-BULLETIN HAD reported that Tom "Fat Boy" Okuda, deputy administrative director of the courts, justified the fixing of legislators' traffic tickets because of the constitutional protection.

Another bill would make it clear that only a judge can dispose of traffic tickets and can't delegate the responsibility to administrators.

Hemmings maintains that about 80,000 traffic tickets are fixed or "otherwise unaccounted for" annually. "I cannot believe the county police departments make 75,000 to 85,000 mistakes a year," he said.

"It has become painfully obvious, and this has been validated, that certain individuals in the judiciary have been fixing parking and moving violations for politicians, public employees and friends," he said.

Common Cause/Hawaii has complained that the courts system doesn't have detailed policies on how to take care of parking and other traffic tickets. It also doesn't break down the categories under which the tickets were fixed or

adjusted, said Ian Lind, Common Cause's executive director.

"IN GENERAL, IT SEEMS that the lack of clear court policies and an excess of administrative discretion have combined to create a system ripe for abuse," Lind said in a letter to a citizens' panel appointed by Chief Justice Herman Lum to investigate allegations about the courts system.

"In addition, the apparent lack of specific accounting for administrative dismissals or adjustments of tickets makes it difficult to guard against abuses of administrative authority," Lind said.

Another bill would require that budget worksheets, justifications and other budget documents prepared by state agencies be made available to the public.

Hemmings and other legislators have complained that they didn't know what was in the judiciary's \$44.6 million budget when they voted on it. The information is not widely shared at the State Capitol, he said.

"This is so any public person is entitled to see it," Hemmings said. "It is now difficult if not impossible to get."

Common Cause assails legal opinion on 'sunshine law,' student senate

By Robert Hollis
Advertiser University Writer

The attorney general's office was "seriously in error" in issuing an opinion saying that the University of Hawaii student government is exempt from the state's "sunshine law," says Ian Lind, executive director of Common Cause/Hawaii.

The opinion, published in September, concludes that the senate of the Associated Students of the UH needn't conduct its meetings in public. The opinion, Lind said this week, results from "sloppy work" and "is a disgrace" to the attorney general's office.

Should UH's student government try to close its meetings — which has not yet happened — Common Cause will go to court to overturn the opinion.

Meanwhile, Lind has fired off a lengthy letter to the UH Board of Regents supporting his argument that the student senate is subject to the open-meeting law.

Harriet Lewis, a deputy attorney general assigned to the UH, said this week that she and other state attorneys are reviewing Lind's letter. Speaking for herself, however, she said she believes the September opinion is "sound."

The issue arose earlier this year when an unidentified member of the student senate asked Lewis' office for an opinion on the sunshine law's applicability to student government, she said.

After declining the request — "we don't work for student government" — it was rerouted

through the office of Harold Masumoto, UH vice president for administration, she said.

Despite widespread student apathy over the workings of the student government on the Manoa campus, each student pays about \$29 a semester in "activity fees," which add up to about \$500,000 a semester. The funds go into a revolving fund that is used to pay for student activities, including the costs of student government, according to UH officials.

The attorney general's opinion, written by Duff Zwald and signed by Attorney General Corinne Watanabe, basically concludes that the student senate is not a government "board" subject to the sunshine law.

Zwald, Lewis said, no longer works for the attorney general.

Lind in his letter noted that the student senate is under the authority of the regents, who are subject to the sunshine law. Student government, he said, has the authority to act on behalf of the regents on student matters; set student fees; hire staff members, who become public employees; and spend money from the activities fund.

The Common Cause director also pointed out that the state's opinion failed to mention a 1974 opinion that said the student senate "is not an independent organization, but rather . . . derives its authority" from the regents.

Lind said the 1985 opinion was sloppily researched and "is an example of the attorney general's office not putting any energy into enforcing the sunshine law."

HOME EDITION

FRIDAY

Honolulu Star-Bulletin

Dec. 13, 1985 Honolulu, Hawaii

A GANNETT NEWSPAPER

Oahu—35 Cents
Neighborhoods—40 Cents

Parking Violations Not Fined Uniformly

By Stirling Morita
Star-Bulletin Writer

When you get a parking ticket, it'll cost you \$5.

But for some court workers and others with connections, those citations will cost them \$3 apiece.

Something doesn't seem fair about that, says Ian Lind, executive director of Common Cause/Hawaii.

"It reflects the favoritism toward friends and political associates," Lind said yesterday. "It appears to be an abuse on the part of the high administrators in the Traffic Violations Bureau within the courts."

Such action sets up "a class system, which penalizes the general public and rewards insiders," Lind said.

COURT TESTIMONY this week by a traffic bureau official

Turn to Page A-7, Col. 2

Some Court Workers Get Break on Parking Tickets

Continued from Page One

shows there is an informal policy to give the 40 percent discount to court employees, in some instances.

For example, a juror who receives a ticket while in court can get it taken care of, Viola Kasparavitch, assistant bureau manager said in the trial of two court workers on charges they fixed tickets.

However, court employees have said no reason is necessary to get the discount.

Workers at the state Legislature get the same deal, and House Clerk George Takane said the \$3 is considered enough to cover the bureau's costs to process it.

A former high-ranking sheriff's official said he and other deputies routinely took parking tickets to the Traffic Violations Bureau to be paid at the reduced price. Some of the tickets would come from sheriff's reserves and clerical staff, he said.

Another deputy sheriff yesterday said, "Anybody who knows somebody or is related to somebody can get his ticket fixed."

LIND SAID HE has received reports that police officers and private companies can have their tickets disposed of or adjusted at the \$3 fee.

Carol Dodd, judiciary spokeswoman, said the Traffic Violations Bureau uses the same general guidelines from District Court judges for both voiding a ticket and the reduced fine structure.

Those guidelines are vague, and Common Cause has complained that they leave too much room for potential abuse.

Lind said there is a failure of "oversight and accountability" in the way the traffic bureau handles tickets.

Since 1961, District Court judges have given broad powers

to the top traffic bureau administrators to handle tickets.

THE FIRST TIME a judge talked about reduced fines for citations was in October 1976 when Frank Takao, then administrative judge of the District Court, instructed Tom "Fat Boy" Okuda, deputy administrative director and bureau head, about fine schedules.

Takao said that the schedules should be followed except "for valid and compelling reasons which shall be stated on the citation, a lesser amount as recommended by you may be submitted to the administrative judge of the District Court of the First Circuit for his approval."

A year later, Takao further specified the types of cases that were eligible for voiding or adjusting tickets. He said it could apply to government workers on "official government and military business."

ALEX GARCIA, a deputy sheriff, said yesterday that a high-ranking sheriff's official got his parking ticket fixed although it was for parking on the freeway ramp at Aloha Stadium. That official was attending a University of Hawaii football game, Garcia said.

Garcia appeared at a news conference held by Rep. Fred Hemmings to support the need

for a bill to provide protection to government employees who provide information about misconduct in their agencies.

Garcia said he has been treated unfairly and harassed for speaking against abuses in the sheriff's office.

He said his family has been investigated and sheriff's investigators have telephoned his in-laws.

His friends in the sheriff's office have been warned to stay away from him or their careers could be jeopardized, Garcia said.

Undersheriff Frederick "Cappy" Caminos is on Maui and unavailable for comment.

GARCIA ALSO said the sheriff's office hasn't really followed the recommendations of a special panel to examine the functions of the agency.

The panel recommended that the sheriff's SWAT squad be disbanded, but the sheriff's office has just changed the name of the squad and increased training for its members.

Also, the panel recommended use of metal-detection equipment at the entrances to courthouses to cut down on the number of needed deputies. Garcia said the judiciary already has such devices, but isn't using them.