

# HAWAII MONITOR

AN INDEPENDENT MONTHLY NEWSLETTER ABOUT POLITICS AND MONEY IN HAWAII

## Architects & engineers provide bulk of Democratic funds

□ Most donors received non-bid contracts

The Democratic Party's campaign fundraising during the 1992 elections relied heavily on architects and engineers receiving non-bid contracts from state government, according to a detailed analysis of campaign records done by *Hawaii Monitor*.

The *Monitor* found that these two professional groups accounted for as much as 70% of all funds raised by the Democrats this year.

In addition, the analysis indicates that over 90% of the architects and engineers appearing on the Party's contributors list also received non-bid state contracts during one or more of the last four years.

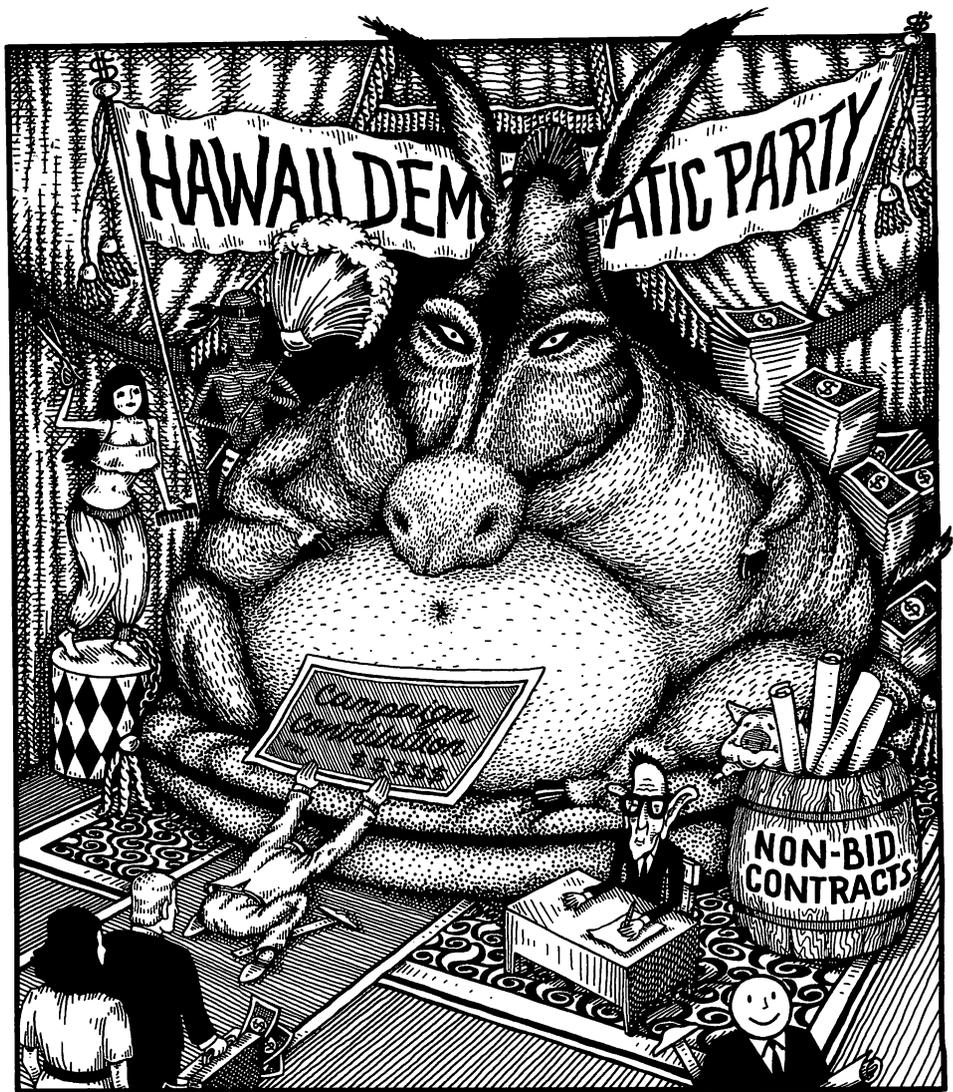
### Funding the joint campaign

During the six week period between the primary and general elections, Hawaii Democrats conducted an intensive coordinated campaign that supported the party's slate of federal, state and local candidates. This coordinated effort included grassroots rallies around the state and a last-minute advertising blitz that stressed party unity.

To fund this effort, the Democratic Party of Hawaii raised a total of \$799,236, with most garnered from a fundraising event sponsored jointly with Gov. John Waihee's campaign committee.

*Hawaii Monitor* was able to identify the type of business of companies and individuals accounting for 86%

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**Democratic Party funds**

from page 1

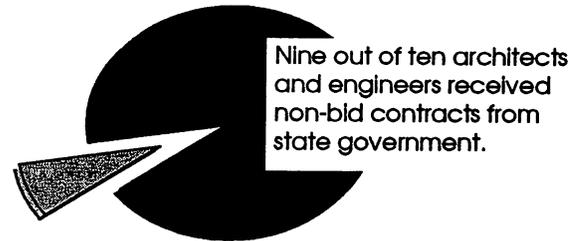
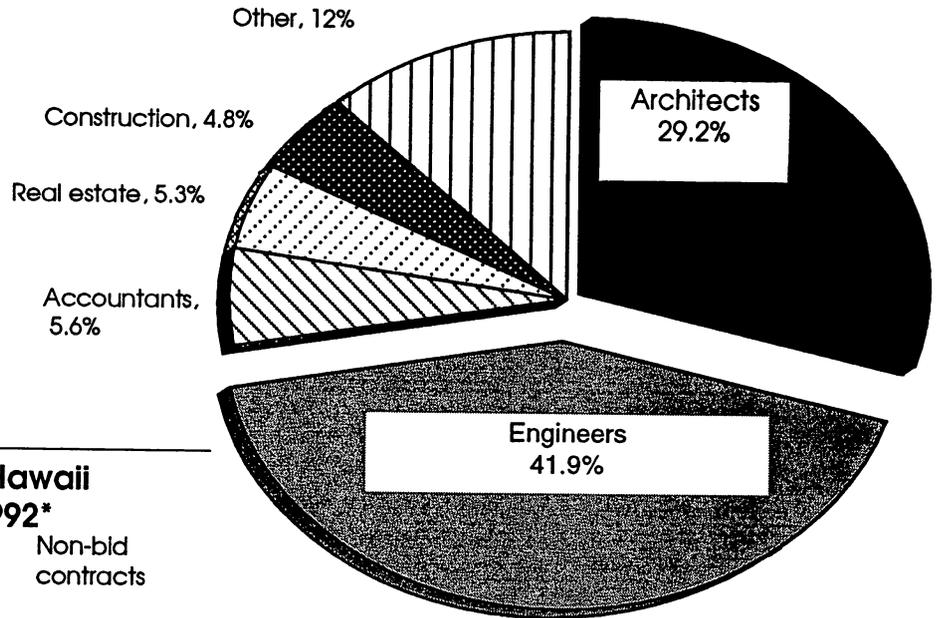
of the funds raised by the Democrats from individual and business sources.

Of this amount, local engineering companies and their employees accounted for at least \$258,200 or 42%, while architects kicked in an additional \$179,598 or 29%.

Accounting firms and their employees gave nearly 6% of the total, followed by real estate and construction companies. All other contributors accounted for just under 12% of the total.

*Hawai'i Monitor* then took a close-

**Where the Democratic Party's money came from...**



**Democratic Party of Hawaii  
Top contributors, 1992\***

	Contributions	Non-bid contracts
Gov. John Waihee	\$ 50,000	
Calvin Kim & Assoc.	\$ 35,500	\$ 4,313,200
Gima, Yoshimori, etc.	\$ 22,000	\$ 1,742,000
Ernst & Young	\$ 16,000	
Paul Louie & Assoc.	\$ 15,000	\$ 1,436,550
Fukunaga & Assoc.	\$ 13,000	\$ 1,201,000
Gentry Hawaii	\$ 10,000	
Okahara & Assoc.	\$ 9,000	\$ 1,312,540
Allen Ng	\$ 9,000	\$ 878,306
Phillip Morris	\$ 7,500	

\* Contributions shown include those by the companies as well as by individual officers, employees and their families. Non-bid contracts were for calendar years 1989-91.

er look at the 189 contributions with a total value of \$400,000 that the Democrats reported receiving in the month immediately following the primary election.

At least 157 (or 83%) of these contributions came from architectural and engineering firms and their employees.

**The non-bid contract link**

A comparison with contract lists released annually by the Department of Accounting and General Services shows that 145, or 92% of these architects and engineers, received state non-bid between 1988-91, the last years for which data is available.

For example, all of the architectural and engineering firms at the top of the Democratic Party contribution

list also received substantial amounts of non-bid contracts, as shown in the accompanying table. Accounting firms like Ernst & Young, which contributed at least \$16,000 to the Democrats, also received non-bid contracts for audits and other studies, although these are not publicly reported along with the architectural and engineering contracts.

Among the other firms which made significant contributions and also received substantial non-bid contracts were Architects Pacific (\$8,000 contributed; \$397,000 in contracts), AM Partners (\$8,000 & \$1,536,045), Gray Hong Bills (\$7,000 & \$378,000), Engineers Surveyors Hawaii (\$6,000 & \$12,214,500) and Lou Chan & Associates (\$6,000 & \$936,600). □

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*Hawai'i Monitor* relies heavily on public records maintained by the Campaign Spending Commission, ethics commissions of the state and counties, and other agencies. We believe that these official sources are factual and without error; however, their accuracy cannot be guaranteed.

Member, Investigative Reporters and Editors (IRE), Council on Governmental Ethics Laws (COGEL), Society of Professional Journalists, and the National Newsletter Network.

## Commission moves to abandon "mid-term" fundraising rule

### □ But legislature may re-open the loophole

The Campaign Spending Commission has agreed to propose a new rule that would clearly prohibit anyone from giving more than \$2,000 to a candidate for any election. The immediate effect would be to cut the contributions, and potentially the resulting influence, of large donors to certain candidates and campaigns.

At its regular meeting on December 1, the commission voted to begin a rule-making process aimed at tightening its interpretation of state election law. Commissioners Gary Grimmer, James Wang and Robert Watada voted for the change.

Commissioner Linda Rosehill was not present at the meeting, but has indicated that she would probably oppose a more restrictive rule. The fifth position on the commission has been vacant since the end of June.

Commission executive director Jack Gonzales later told *Hawai'i Monitor* that he expects a bill aimed at undermining the commission's action to be introduced in the upcoming legislative session by House leaders.

#### Phantom elections

State law prohibits any individual or other entity from making "contributions to a candidate or candidate's committee in an aggregate amount greater than \$2,000" in any election.

Thus, a contributor can give a maximum of \$2,000 to any candidate for the primary election and another \$2,000 for the general election, for a total of \$4,000.

However, since at least 1988 the Campaign Spending Commission has allowed the maximum contribution to be collected during each two-year election cycle, even by candidates with four-year terms.

For example, although Gov. Waihee was elected to a four-year term in 1986, his campaign organization was allowed to raise the \$4,000 maximum from hundreds of businesses and individuals during the primary and general elections of 1988, when Waihee was not running.

Honolulu Mayor Frank Fasi and a handful of others have also exploited this loophole in order to boost their campaign coffers.

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*"If that [to have limits] is the real intent of the law, then everything should be done—no exceptions or special considerations."*

*Commissioner Jim Wang*

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#### Commission: No exceptions

The Campaign Spending Commission took action in response to a petition filed by the local chapter of Common Cause, the public interest lobbying group.

Common Cause charged that it is "absurd" to allow elected officials to take contributions for elections in which they aren't candidates, and said that this runs directly counter to the original intent of the law.

Commissioner James Wang, a political science professor at the University of Hawai'i at Hilo, agreed. Wang told his colleagues that "I find it difficult to justify that a person who runs for a four-year office can collect two times what a two-year office gets."

"It's almost inconceivable to me," Wang said. "If that [to have limits] is the real intent of the law, then everything should be done—no exceptions or special considerations."

Gary Grimmer, an attorney who is currently the sole Republican Party representative on the commission, said that "my particular bias is to have four-year people only be able to get \$2,000 per election." Grimmer also said that he is concerned that the current commission policy may unfairly favor incumbents, and that it does not address the constantly increasing cost of campaigning for public office.

Following some additional discussion, acting commission chair Robert Watada, a Democratic Party

appointee, observed that "a majority of commissioners favor a change."

The three commissioners present then voted to deny the Common Cause petition on technical grounds, but to propose a new rule that would embody the changes sought by the group.

The new rule will be drafted by the commission staff, and then be subject to public hearings early in 1992 before the commission takes a final vote.

The commission did not consider whether or how a new rule would apply to funds already raised by candidates like Lt. Gov. Ben Cayetano, who has started building a campaign fund for an expected run for governor in 1994.

#### Opposition expected

Commissioner Linda Rosehill told *Hawai'i Monitor* that she opposes the move to impose a strict \$2,000 contribution limit, and expressed concern that the commission's action would make it harder to fund large campaigns. "I don't believe that the purpose [of the current law] was to penalize those running for longer terms," Rosehill said.

Rosehill served as chair of the Democratic Party's coordinated campaign during this year's elections. Rosehill is also a lobbyist for Amfac/JMB and serves as director of human resources for Oahu Sugar Company.

Rosehill also told *Hawai'i Monitor* that it is her understanding that the commission would defer its rule making in order to allow the legislature a chance to address the issue.

Jack Gonzales, commission executive director, confirmed this possibility. Gonzales said that he has had discussions with legislative leaders and staff, and that he expects an attempt by legislators to ratify the current loophole by allowing the maximum amount to be raised in each calendar year. □

**Memo of the month****B&F director pushes politically connected bond firm**

How does a tiny new bond dealer like Hawaiian Capital Securities immediately take its place alongside the nation's largest companies in the lucrative business of underwriting the state's tax exempt bonds? This memo suggests that the key is to collect an array of politically influential partners and then let the state convince the big boys to save you a place.

continued next page

 **Merrill Lynch**

September 23, 1992

Re: State of Hawaii  
\$120,000,000 Taxable General Obligation Bonds of 1992, Series BY  
\$100,000,000 General Obligation Bonds of 1992, Series BZ

Dear Mr.

Merrill Lynch has recently been selected by the State of Hawaii Department of Budget and Finance to senior manage the above referenced bond issue. To further facilitate and coordinate the local distribution of the bonds, the State has also asked Hawaiian Capital Securities to serve as a co-manager for this financing. On behalf of the State and Hawaiian Capital Securities, and as part of our normal procedure on all State of Hawaii G.O. financings that we underwrite, we are inviting all local securities firms to participate in a Selling Group which we have formed and organized for this transaction. This letter serves as formal notice of our invitation.

The bonds are tentatively scheduled to be priced and sold on September 30, 1992 with delivery of the bonds expected on or about October 14, 1992. To assist you with your marketing and sales efforts, we are already in the process of mailing Preliminary Official Statements to your office -- you should be receiving them shortly.

Any immediate questions or comments may be directed to Toby Martyn of Hawaiian Capital Securities at (808) 522-5955 or Chris Mukai of Merrill Lynch at (213) 683-4682. Otherwise, Toby will contact you within the next few days to provide you with additional information on this transaction.

Sincerely,



Carleen L. Duque  
Managing Director

cc: Mr. Yukio Takemoto  
State of Hawaii  
Mr. Toby Martyn  
Hawaiian Capital Securities

Carleen L. Duque  
Managing Director  
Western Region  
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Suite 2020  
Los Angeles, California 90071-2821  
213 683 4679  
FAX 213 683 4514

## Bond secrets

from page 4

At least that appears to have been the key to success for Hawaiian Capital Securities since it was first profiled by *Hawai'i Monitor* late last year.

The company, which was formed in May 1991, boasts a select group of influential investors including Philip Gialanella, publisher of the Honolulu Advertiser; Stuart Ho, president of Capital Investment and chairman of the Gannett Pacific Corporation, which publishes the Honolulu Star-Bulletin; and Frank J. Hata, president of Diversified Distributors and for years a behind-the-scenes fundraiser for Democratic politicians, including Governor Waihee.

State budget director Yukio Takemoto apparently has apparently used his wide discretion and sole authority to direct a handful of giant underwriters to include the small island firm in their bond offerings. No other local broker has been given a similar opportunity.

Takemoto selects bond underwriters on a non-bid basis, assuring that companies like Merrill Lynch will go along with his requests. Over the last year, the fledgling company was included in deals to issue nearly a billion dollars of Hawai'i state bonds.

As a result, the company that was formed with an initial \$50,000 investment stands to profit handsomely. According to an audited financial statement marked "confidential" but obtained by *Hawai'i Monitor*, Hawaiian Capital Securities took in \$194,000 in underwriting fees last year and later received another \$166,000 from a December 1991 bond sale, probably attributable to last year's issuance of \$400 million in airport bonds.

According to the financial statement, "all Limited Partners shall receive a preferred return of 15 percent per annum cumulative, non-compounded return on their capital contribution during the first three-

## Monitor greets new year with new look

Now that the *Hawai'i Monitor* is back in business, we're out to get better and (eventually) bigger.

This issue introduces the first in a series of changes aimed at making the *Hawai'i Monitor* an even better publication: a redesigned front page with a new masthead and logo, and an original drawing by one of the state's premier cartoonists, John S. Prichett. John's work will be featured regularly in future issues.

In addition, we have adopted a new typeface which, hopefully, retains the ease of reading while enhancing the overall appearance of the *Monitor*.

Within the next several months, the *Monitor* will also be adding a few pages in order to provide more space. This will mean a bit more room for information and analysis, as well as the ability to reduce the visual clutter that has appeared too often in the past.

Please let us know whether you like the new look. And if you've got ideas about what you would find useful in future issues, just send a brief letter or give us a call at 955-8850. Feel free to make suggestions about issues, possible stories, brewing scandals, and so on. □

## Rosehill sees no conflict in dual roles as commissioner & campaign head

When Amfac employee and lobbyist Linda Rosehill took charge of the Democratic Party's "coordinated campaign" this fall, she seemed an excellent choice. A competent woman with extensive business and political experience, Rosehill was certainly well prepared to turn the crank on the activities of the party faithful.

There was just one potential problem: As a member of the state Campaign Spending Commission, Rosehill would also be in a position to rule on complaints lodged against many of the Democratic candidates who were being pushed as part of the overall coordinated campaign.

Although members of the Campaign Spending Commission are by law drawn from the ranks of the two major political parties, commissioners have generally shied away from active campaigning because of the danger of conflicts of interest.

According to the commission's executive director, Jack Gonzales, one former member was active as a lobbyist for an organization of retired public employees, and a few others have provided incidental support to one or more of their party's candidates.

However, these have been departures from the commission's normal practice, and Rosehill is the first to simultaneously occupy a top campaign position and a seat on the commission.

Rosehill told *Hawai'i Monitor* that her campaign role was not discussed by the commission. Gonzales agreed. "It never came up," he said, "no one raised any questions."

State law does not specifically prohibit campaign-related activities, and Rosehill says that she got a provisional OK from the State Ethics Commission as long as she stepped aside from any complaints directly involving the Democrats' coordinated campaign.

Federal law, by contrast, prohibits members of the Federal Election Commission from publicly supporting or working for any candidate, political party, or PAC subject to commission jurisdiction. FEC members are even warned that campaign contributions are likely to create conflicts.

But Rosehill maintains that she has been objective and even-handed. Besides, she notes, "this commission does not act on a partisan basis." □

## Newspapers hit with sex harassment charges

### □ But local charges aren't reported

by C.M. McGovern

Media coverage of the recent allegations against U.S. Senator Dan Inouye, along with last year's highly publicized Anita Hill - Clarence Thomas hearings, have brought sexual harassment out of the closet in workplaces across the nation.

However, when a panel discussion at the recent gathering of the Associated Press Managing Editors turned to problems at the Hawaii Newspaper Agency, the local media turned a deaf ear.

The panel, moderated by Pam Johnson, managing editor of the Phoenix Gazette, included a detailed presentation on two recent sexual harassment cases at the HNA.

Local journalists attended the panel, and the Honolulu Star-Bulletin was one of the convention hosts. But coverage of the panel by the Sunday Star-Bulletin and Advertiser was limited to an Associated Press wire story that did not mention the two HNA cases. The HNA manages business operations for both newspapers, which have separate competitive newsrooms.

Advertiser Editor Gerry Keir said he attended part of the program. Asked why the local angle was not covered, he replied, "As I recall, there were five events that day, some of which were covered by our people. It was a Saturday when I'm short staffed, and there were other stories to cover." Asked if the AP wire story was used to avoid embarrassing HNA, Keir replied "It wasn't left out for any policy reason....You make decisions every day when you have space limitations." He said he could not say if the HNA harassment cases should have been included in the paper's coverage without going back and looking at everything that was on the city desk that night.

#### Problems at the HNA

Panelist Carole Medeiros, HNA employee relations director, described two recent harassment complaints she handled at work.

In one case, a female employee went to Medeiros after watching the Hill-Thomas hearings and reported that she had been sexually harassed by a male co-worker. The woman did not want to file a complaint or confront the man. She said she didn't want to go public because "she didn't want the other employees in her department to look upon her as being a snitch," Medeiros said.

The woman said "she just wanted somebody to know what was happening to her," so Medeiros listened as the woman outlined a pattern of verbal and physical harassment that she said took place over 15 years. "I just sat there and I was appalled at what this woman was telling me," Medeiros said. The man would say lewd things to her, would come up behind her and "feel her up" and would make her the brunt of sexual jokes, Medeiros related. The woman said she had never told the man she found his behavior offensive and humiliating.

Since the woman specifically said she did not want the man confronted, "it was our responsibility to maintain the anonymity of this person. Yet it was our responsibility to take some action so this party would get the message, 'Hey guy, you're doing something very wrong,'" Medeiros said.

Medeiros told the woman's supervisor without revealing the name of the man. They decided everyone in the department would attend a workshop on sexual harassment that would show a film entitled "Leave Me Alone," which "portrays examples of harassment from the very innocent right up to the blatant," said Medeiros. The workshop also included a question-and-answer session, and everyone was given a copy of HNA's sexual harassment policy designed to leave no question about right and wrong behavior, she said.

Medeiros said that a week later the woman told her the man had

apologized and promised he would never do it again, and there have been no problems in the year since.

But the results were different when another woman wanted the offenders confronted, according to Medeiros.

There were old posters hanging in the HNA elevator shaft that could be

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*50% - 85% of American women will experience some form of sexual harassment in school or at work.*

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seen from the freight elevator. A female apprentice said she found them offensive, but said nothing. Then one day a Playboy magazine was put on the desk where the woman was working, Medeiros related. Several of the shop employees came by and asked the woman "How do you think you stack up against this centerfold?" Outraged, the woman filed a sexual harassment complaint.

The men who were accused of harassment said that the woman had taken part in similar incidents with other employees and they had no idea she would be offended Medeiros said. They were told their behavior was unacceptable and must stop. The posters were removed from view.

But now the woman complains that "they don't treat her the same as before. They're treating her like something very fragile," Medeiros said.

"I asked her what did you expect? Did you want this thing to stop? Yes, but now she doesn't like being treated differently," Medeiros said.

The National Council for Research on Women has found that 50 - 85 percent of American women will experience some form of sexual harassment in school or at work, Johnson said, and a 1992 survey conducted by the Associated Press Managing Editors found that 38 percent of female employees who responded said they had been sexually harassed at their current newspaper. □

C.M. McGovern is a junior studying at the University of Hawai'i.

## Honolulu newspaper profits revealed?

How profitable are Honolulu's two daily newspapers? Despite intense public interest, this has been a closely held secret, but now a set of documents are being quietly circulated around town which purport to show that the two papers have shared over \$50 million in profits annually in recent years.

The documents include at least two pages from what appears to be a draft financial statement of the Hawaii Newspaper Agency for the calendar years 1990 and 1991. The HNA operates the business side of the Honolulu Advertiser and Honolulu Star-Bulletin under the terms of a joint operating agreement.

According to these documents, the HNA had revenues of \$124,548,352 and expenses of \$62,420,556 during 1991. The resulting pre-tax "excess revenues" were just over \$53 million.

These revenues, along with an additional sum carried over from the prior year, were withdrawn by the two companies, with Gannett (publisher of the Star-Bulletin) taking out \$33,960,000 and the Honolulu Advertiser taking \$22,640,000.

If accurate, these figures are far higher than most observers have estimated, and indicate that Honolulu should be able to support two quality newspapers. □

## Faculty challenge UH election policy

The Faculty Senate of the University of Hawaii's Manoa campus has voted to challenge a policy that requires faculty members to go on leave without pay if they run for partisan elective office.

The policy, apparently first adopted by the UH Board of Regents in 1982, makes faculty members the only public employees in the state who are subject to such restrictions.

The Faculty Senate took action on two resolutions presented by its Committee on Professional Matters. The first resolution asks that the Board of Regents drop its policy and "no longer infringe on the constitutional rights of BOR employees as citizens."

The second resolution targets another UH policy which requires that faculty members resign or be terminated if they are elected to a partisan public office.

The Faculty Senate proposes that anyone elected to office be placed on "leave without pay for political service" rather than being terminated.

The University of Hawaii Professional Assembly, the faculty union, agrees that the restrictions on candidates should be dropped and has included the issue on its collective bargaining agenda.

### Couldn't afford to run

The resolutions were originally

authored by Edward Bylina, a researcher in the Biotechnology Program of the Pacific Biomedical Research Center and a member of the Faculty Senate. Bylina told *Hawai'i Monitor* that after his first child was born, he had become concerned about

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*University faculty are the only group of public workers who are required to go on unpaid leave before they can run for public office.*

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the future of public education and considered running for a seat in the state legislature.

However, Bylina said that he dropped plans for a legislative race after being informed of the UH policy, and instead ran for a seat on the Board of Education. "I couldn't afford not being paid for 5 months," Bylina said.

### Policy adopted in 1982

Prior to 1982, university faculty were required to campaign on their own time and to follow generally applicable university policies governing appearances and activities of political candidates on the campus.

The current UH policy was adopted by the Board of Regents on February 19, 1982.

Minutes of the Regents meeting show that the "leave without pay" proposal was presented by Harold Masumoto, then a UH vice-president. Masumoto has since been serving as director of the Office of State Planning, and is now fills a seat on the Public Utility Commission.

The minutes reflect Masumoto's concern for "the need to avoid politicizing the University and to avoid conflicts of interest and the appearance of impropriety on the part of University employees." However, Masumoto offered no explanation of why the University should subject faculty to restrictions that do not apply to other public employees. □

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**E**thics subpoena? The Honolulu Ethics Commission is threatening to subpoena representatives of Common Cause following publication of news reports in which the public interest watchdog group criticized the commission and charged Mayor Frank Fasi with campaign violations.

In late August, Common Cause spokesman Art Rosenthal told local newspapers that Fasi campaign sign-up sheets were being circulated in city offices. State law and city ethics guidelines prohibit such campaign activities in public offices or by government employees during paid work time.

Shortly after the reports were published, Ethics Commission attorney Carolyn Stapleton contacted Rosenthal and demanded copies of the alleged sign-up sheets, along with the identities of Common Cause sources.

Rosenthal told *Hawai'i Monitor* that he was initially inclined to cooperate, but had subsequently changed his mind. He said that Common Cause felt that it is important to protect those people who provide it with information about possible misconduct in government agencies.

According to Stapleton, the Ethics Commission has the authority to subpoena people and documents as part of an investigation into violations of the ethics law. The commission does not have to wait for a formal complaint to be filed, she said, and can initiate investigations on their own.

Stapleton told *Hawai'i Monitor* that the commission voted to investigate this case after Rosenthal publicly described the commission as unresponsive to complaints. "The net effect of filing a complaint with the Ethics Commission would be about the same as peeing in the ocean," Rosenthal told the Honolulu Advertiser.

The commission was not pleased, Stapleton said, but took action "to see if there has been an ethics violation. If in fact what was alleged occurred," Stapleton said, "it was a violation."

## Monitoring in brief

However, after it delayed for over a year and then OK'ed the use of Fasi's campaign logo on city construction signs, it's ironic that the commission's newly discovered zeal is being targeted first at a public interest organization.

**P**roper secrets? That was the subject of a lengthy memo sent to all state and county agencies in late October by the Office of Information Practices. The memo followed the public uproar over the release of an altered document by State Comptroller (and now judge) Russell Nagata,

The OIP memo provides the following advice: "Government agencies and their personnel are cautioned not to remove protected information from a government record and replace that

information with text or information that did not appear in the original record. Agency personnel also should not alter the requested record in such a way that it is not readily apparent to the reader or recipient of the record that information has been removed by the agency.

"By removing or replacing information from a government record as described in the above paragraph, an agency will not be providing a requester with the government record that was requested, and an agency thereby runs the risk that the request will commence a civil action under section 92F-15, Hawaii Revised Statutes, seeking injunctive relief and attorneys fees against an agency. Additionally, depending on the circumstances, the improper segregation of information in the above described manner could subject agency employees to criminal liability for 'tampering with a government record,' which is a misdemeanor offense under section 810-1017, Hawaii Revised Statutes."

Did anybody pass the word to Judge Nagata? □

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