



# HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

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## **Resolution of Charge** **2012-1**

(Charge No. 10-LCg-2(a); Hawaii Family Forum, Respondent)

July 18, 2012

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In September 2010, a member of the public filed a Charge with the State Ethics Commission alleging that a non-profit organization, Hawaii Family Forum, had violated the State Lobbyists Law, Hawaii Revised Statutes Chapter 97. The Charge alleged that Hawaii Family Forum had failed to file lobbying reports and had filed inaccurate lobbying reports. Although the Charge alleged violations going back several years, the statute of limitations for violations of the Lobbyists Law is three years. For this reason, the Commission considered only those alleged violations that occurred between September 2007 and September 2010, the date the Charge was filed.

The Lobbyists Law defines “lobbying” as:

communicating directly or through an agent, or soliciting others to communicate, with any official in the legislative or executive branch, for the purpose of attempting to influence legislative or administrative action or a ballot issue.

The Lobbyists Law is essentially a disclosure law, consisting of two parts: (1) the registration of individual lobbyists; and (2) the reporting of lobbying expenditures and contributions. Individual lobbyists are responsible for complying with the registration component of the Lobbyists Law. Organizations and others are responsible for complying with the reporting component of the Lobbyists Law.

The Lobbyists Law requires the reporting of lobbying contributions and expenditures for three lobbying periods within each year. Reports must be filed at the end of each period. The lobbying reporting periods are:

- 1) January 1 through the last day of February. Report due March 31.
- 2) March 1 through April 30. Report due May 31.
- 3) May 1 through December 31. Report due January 31 of the following year.

The following individuals and organizations must file lobbying expenditures and contributions reports:

- 1) Each lobbyist
- 2) Any individual or organization that spends \$750 or more in a six month period for the purpose of lobbying
- 3) Any individual or organization that employs or contracts for the services of a lobbyist

Both expenditures and contributions for the purpose of lobbying must be reported. Contributions to an organization need only be reported as lobbying contributions if they are either earmarked for lobbying or if they are given to an organization whose sole or overwhelming purpose is lobbying.

The Charge made a number of allegations that Hawaii Family Forum had not reported expenditures made for the purpose of lobbying or had inaccurately reported expenditures made for the purpose of lobbying. In addition, the Charge alleged that several donations to the organization, both monetary and in-kind, were not reported as contributions for the purpose of lobbying.

In its Answer to the Charge, Hawaii Family Forum stated that some of the expenditures described in the Charge were not expenditures for the purpose of lobbying and so did not need to be reported. Hawaii Family Forum also stated that the donations or contributions described in the Charge were donations for the general support of the organization and were not earmarked for lobbying. Hawaii Family Forum stated that it engaged in educational and other activities outside of lobbying. Hawaii Family Forum also stated that any violations were not willful and that it had in good faith attempted to comply with the Lobbyists Law.

The Commission noted that Hawaii Family Forum appeared to be delinquent in filing four lobbying reports. It also appeared to the Commission that Hawaii Family Forum had not reported a lobbying contribution of \$20,000 received from Focus on Family Action during the January through February, 2009, lobbying reporting period. During the course of the Commission's review of the Charge, Hawaii Family Forum filed all delinquent lobbying reports and amended several reports. It amended its January through February, 2009 report to reflect the receipt of the lobbying contribution.

The Commission and Hawaii Family Forum agreed to resolve this matter by the release of this public document and by Hawaii Family Forum paying \$2000 to the State's general fund. The Commission is issuing this public statement regarding the Charge and the resolution of the Charge to provide the public with information about the requirements of the Lobbyists Law.