

BEFORE THE STATE ETHICS COMMISSION

STATE OF HAWAII

STATE OF HAWAII
STATE ETHICS COMMISSION

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|---------------------------------|---|--------------------------------|
| IN RE PETITION OF UNIVERSITY |) | Declaratory Order No. 2014-1 |
| OF HAWAII on behalf of JAMES |) | |
| H.Q. LEE, BARRY MIZUNO, SAEDENE |) | DECLARATORY ORDER RE |
| OTA, PATRICK OKI, and LAWRENCE |) | APPLICABILITY OF FINANCIAL |
| RODRIGUEZ, in their Official |) | DISCLOSURE FILING REQUIREMENTS |
| Capacities as Members of the |) | TO MEMBERS OF THE UNIVERSITY |
| Operational and Financial |) | OF HAWAII OPERATIONAL AND |
| Controls Improvement Advisory |) | FINANCIAL CONTROLS IMPROVEMENT |
| Task Group; HOWARD KARR, KEITH |) | ADVISORY TASK GROUP AND |
| AMEMIYA, BOB HARRISON, PETER |) | UNIVERSITY OF HAWAII ATHLETIC |
| HO, BONNYJEAN MANINI, DIANE |) | DIRECTOR SEARCH COMMITTEE; |
| NAKASHIMA, PETER NICHOLSON, and |) | EXHIBITS "A" AND "B" |
| MARK POLIVKA, in their Official |) | |
| Capacities as Members of the |) | |
| Athletic Director Search |) | |
| Committee, FOR DECLARATORY |) | |
| ORDER. |) | |

DECLARATORY ORDER RE APPLICABILITY OF
 FINANCIAL DISCLOSURE FILING REQUIREMENTS TO
 MEMBERS OF THE UNIVERSITY OF HAWAII OPERATIONAL AND
 FINANCIAL CONTROLS IMPROVEMENT ADVISORY TASK GROUP AND
UNIVERSITY OF HAWAII ATHLETIC DIRECTOR SEARCH COMMITTEE

On July 31, 2013, Petitioner University of Hawaii ("Petitioner"), on behalf of James H.Q. Lee, Barry Mizuno, Saedene Ota, Patrick Oki, and Lawrence Rodriguez, in their official capacities as members of the Operational and Financial

Controls Improvement Advisory Task Group ("Task Group");¹ and Howard Karr, Keith Amemiya, Bob Harrison, Peter Ho, Bonnyjean Manini, Diane Nakashima, Peter Nicholson, and Mark Polivka, in their official capacities as members of the Athletic Director Search Committee ("Committee"), filed a Petition for Declaratory Order ("Petition") pursuant to Hawaii Revised Statutes ("HRS") section 91-8 and Hawaii Administrative Rules section 21-6-6, asking the Hawaii State Ethics Commission ("Commission") to determine how the financial disclosure requirements of HRS chapter 84, the State Ethics Code, apply to members of the Task Group and the Committee.²

Specifically, the Petition seeks a Declaratory Order on the following two questions:

- 1) Whether a member of the Task Group who believes that he or she does not have an interest in, or is involved in, a transaction that may be affected by his or her official action as a member of that Task Group is exempt from the filing of financial disclosure statements pursuant to HRS sections 84-13, 84-14, and 84-17. In particular, for purposes of this Petition, it is assumed that the Task Group member would not:
 - 1) take any official action directly affecting a

¹ When the Petition was filed, James H.Q. Lee, Barry Mizuno, and Saedene Ota were members of the Board of Regents. They were required to file and had filed annual financial disclosure statements with the Commission because of their service on the Board of Regents. For that reason, the Petition filed on their behalf is moot.

² Both the Task Group and the Committee are "task forces," as defined by the State Ethics Code. Specifically, the statute defines "task force" as:

a group convened by resolution, statute, executive order, proclamation, or by invitation of the legislature, governor, or another state officer, to study a specific subject or issue, for a specific defined period of time, and to report to, offer a recommendation to, or advise the legislature, governor, or a state officer.

HRS section 84-3. Members of task forces are "employees" for purposes of the State Ethics Code and, therefore, are subject to the provisions contained therein. See HRS section 84-3; see also HRS section 84-2.

business or other undertaking in which he or she has a substantial financial interest; 2) take any official action directly affecting a private undertaking in which he or she is engaged as legal counsel, advisor, consultant, representative, or other agency capacity; 3) acquire financial interests in any business or other undertaking which he or she has reason to believe may be directly involved in official action to be taken by him or her; or, 4) assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill, or to obtain a contract, claim, or other transaction or proposal in which he or she has participated or will participate or which may be before the Task Group; and

- 2) Whether a member of the Committee who believes that he or she does not have an interest in, or is involved in, a transaction that may be affected by his or her official action as a member of that Committee is exempt from the filing of financial disclosure statements pursuant to HRS sections 84-13, 84-14, and 84-17. In particular, for purposes of this Petition, it is assumed that the Committee member would not:
- 1) take any official action directly affecting a business or other undertaking in which he or she has a substantial financial interest;
 - 2) take any official action directly affecting a private undertaking in which he or she is engaged as legal counsel, advisor, consultant, representative, or other agency capacity;
 - 3) acquire financial interests in any business or other undertaking which he or she has reason to believe may be directly involved in official action to be taken by him or her; or,
 - 4) assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill, or to obtain a contract, claim, or other transaction or proposal in which he or she has participated or will participate or which may be before the Committee.

FACTS

According to Petitioner, on September 5, 2012, the Board of Regents formed the Task Group to review Petitioner's controls, processes, and policies relating to the failed Stevie Wonder

concert. The Task Group included James H.Q. Lee, Barry Mizuno, Saedene Ota, Patrick Oki, and Lawrence Rodriguez.³

On or before September 3, 2012, UH Manoa Chancellor Tom Apple invited Howard Karr, Keith Amemiya, Bob Harrison, Peter Ho, Bonnyjean Manini, Diane Nakashima, Peter Nicholson, and Mark Polivka to serve on the Committee to assist in the search for an athletic director.⁴

By memoranda dated October 26, 2012, the Commission's Executive Director advised members of the Task Group and the Committee that he construed Act 208, 2012 Hawaii Session Laws ("Act 208"), to require them to file financial disclosure statements with the Commission, if they had not already done so because of another state position that they held.⁵ In response thereto, a member of the Task Group filed her financial disclosure statement; however, Petitioner orally informed the Executive Director that a number of members of the Task Group and the Committee objected to the memoranda. On July 31, 2013, Petitioner filed the Petition on behalf of those members.⁶

³ In addition to the members on whose behalf the Petition was filed, the Task Group also included Randy Moore, Terri Fujii, and Cory Kubota.

⁴ Other members of the Committee were Mike McCartney and Teena Rasmussen. Initially, Norm Chow, Laura Beeman, and David Shoji were also members of the Committee. The Commission understands that they subsequently removed themselves from the Committee.

⁵ The effective date of Act 208 was July 1, 2012.

⁶ A number of members of the Task Force and the Committee are not involved in the current petition.

PETITIONER'S POSITION

The Commission understands Petitioner's essential question to be how the financial disclosure requirements apply to members of task forces, in light of Act 208.

Petitioner contends that a member of a task force is not required to file a financial disclosure statement simply by virtue of his service on the task force. Rather, Petitioner asserts that a task force member is required to file a financial disclosure statement with the Commission in two circumstances: first, when the member subjectively believes that he has an interest or is involved in a transaction which may be affected by his action as a member of the task force;⁷ and, second, if a task force member wishes to be exempt from certain of the State Ethics Code's conflicts of interests provisions, specifically HRS sections 84-14(a), -14(b), and -14(d).⁸

Petitioner's position appears to be that the form of the financial disclosures and the information required to be disclosed contemplated in both of the above two situations are the same.

⁷ HRS section 84-13.

⁸ HRS section 84-14(f).

DISCUSSION

A. The Financial Disclosure Requirement

The Hawaii State Constitution mandates that there be a code of ethics administered by the Commission that is applicable to state employees.

The people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government. To keep faith with this belief, the legislature . . . shall adopt a code of ethics which shall apply to appointed and elected officers and employees of the State . . . , including members of boards, commissions and other bodies.

Hawaii State Constitution, Art. XIV (emphasis added).

The Constitution further requires that the ethics code include, amongst other things, a provision regarding financial disclosure.

The financial disclosure provisions shall require all elected officers, all candidates for elective office and such appointed officers and employees as provided by law to make public financial disclosures. Other public officials having significant discretionary or fiscal powers as provided by law shall make confidential financial disclosures.

Id.

In accordance with the Constitutional mandate, the legislature enacted the State Ethics Code and established the Commission to administer the provisions of the statute.

With respect to financial disclosure, the State Ethics Code requires legislators, state officials and certain other specified employees, including "[t]he members of every state board or commission whose original terms of office are for periods exceeding one year and whose functions are not solely advisory,"⁹ to file a financial disclosure statement with the Commission within thirty days of election or appointment and annually thereafter.¹⁰ The financial disclosure section of the State Ethics Code, HRS section 84-17, however, does not refer to members of "task forces."

At issue is whether HRS section 84-17 requires task force members to file financial disclosure statements, notwithstanding the lack of an explicit reference therein to task force members.

In interpreting the State Ethics Code, the Commission must be cognizant of the legislature's express mandate that the statute be liberally construed to promote high standards of ethical conduct in state government.¹¹ Consistent with this mandate, the Commission previously determined that, because certain "task forces" operate in the same manner as, and are essentially indistinguishable from, state boards and commissions, members of those types of "task forces" are "employees" under the State Ethics Code.¹²

⁹ HRS section 84-17(c)(9).

¹⁰ HRS sections 84-17(b) and -17(c).

¹¹ HRS section 84-1.

¹² The definition of "employee" explicitly includes "members of boards, commissions, and committees." HRS section 84-3.

Subsequent to that determination, Act 208 was enacted. Act 208 created exemptions from certain provisions of the State Ethics Code for task force members. By doing so, Act 208 implicitly affirmed that the State Ethics Code is applicable to task force members and that, necessarily, the State Ethics Code's definition of "employee" includes members of task forces.¹³

Further, Act 208 created a definition of "task force," which includes not only those groups that operate in a manner that is indistinguishable from a state board or commission, but also those groups that are convened more informally and likely are not akin to a board or commission. As noted above, the Commission had previously determined that only members of certain types of groups were subject to the State Ethics Code. Act 208, however, created an expansive definition of task force, the effect of which was to broaden the applicability of the State Ethics Code to members of the majority of state-created groups. As a result of this expansive definition, Act 208, in the Commission's view, now requires that members of additional state-created groups adhere to the standards of conduct established by the State Ethics Code.

¹³ Act 208, Section 1 states:

The purpose of this Act is to allow persons with knowledge and expertise necessary to the State to serve as members of a task force that is convened on a temporary basis by the legislative or executive branch to study an issue, make recommendations, or offer advice on a specific subject, by excepting them from some of the requirements, restrictions, and prohibitions of the State's code of ethics.

Emphasis added.

Consistent with the legislature's apparent intent to broaden the application of the State Ethics Code to members of more state-created groups and its interpretation of the defined term "employee," the Commission construes the reference to "boards and commissions" in HRS section 84-17(c)(9) to also include members of "task forces." The Commission, therefore, concludes that members of "task forces," as defined by the State Ethics Code and which includes both the Task Group and the Committee, must file financial disclosure statements with the Commission if: (1) the task force member is expected to have a term of office of more than one year; and (2) the role of the task force is not solely advisory [hereinafter referred to as "qualified-(c)(9)-members"].¹⁴

Qualified-(c)(9)-members must: (1) file their financial disclosure statements with the Commission within thirty days of their appointment and annually thereafter;¹⁵ and (2) report the sources and amounts of income earned for services rendered;¹⁶ the interests in businesses, including non-retirement account investments;¹⁷ officerships, directorships, or trusteeships;¹⁸ debtor interests;¹⁹ real property interests;²⁰ the identities

¹⁴ HRS section 84-17(c)(9). The Commission construes the term "solely advisory" narrowly. Groups that are tasked with reviewing submissions or applications, interviewing employees or candidates, and offering recommendations to a decision maker are not "solely advisory," notwithstanding their lack of final decision making authority.

¹⁵ The financial disclosure statement must be filed between January 1 and May 31 of each year. HRS section 84-17(b)(1).

¹⁶ HRS section 84-17(f)(1).

¹⁷ HRS section 84-17(f)(2).

¹⁸ HRS section 84-17(f)(3).

¹⁹ HRS section 84-17(f)(4).

²⁰ HRS section 84-17(f)(5).

of clients represented before state agencies;²¹ and creditor interests.²² The Commission also concludes that the financial disclosure statements filed by qualified-(c)(9)-members are confidential, except as discussed in section B.3. infra.²³

B. Explicit Disclosure Requirements of Act 208

1. Filing Requirements

As discussed above, Act 208 amended the State Ethics Code to exempt members of task forces from many of the statute's provisions. Act 208 also explicitly created requirements concerning the disclosure of task force members' financial interests.

As amended by Act 208, the fair treatment section of the State Ethics Code reads, in relevant part:

Every legislator, or task force member or designee or representative of a task force member shall file a full and complete public disclosure of the nature and extent of the interest or transaction which the legislator or task force member or task force member's designee or representative believes may be affected by the legislator's or task force member's official action.²⁴

²¹ HRS section 84-17(f)(6).

²² HRS section 84-17(f)(7).

²³ HRS section 84-17(e).

²⁴ HRS section 84-3 defines "official action" as:

a decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

HRS section 84-13 (emphasis added).

Act 208 also added a new subsection to the conflicts of interests provision of the State Ethics Code:

Subsections (a), (b), and (d)²⁵ shall not apply to a task force member or the designee or representative of that task force member whose service as a task force member would not otherwise cause that member, designee, or representative to be considered an employee, if the task force member or the designee or representative of that task force member complies with the disclosure requirements under section 84-17.

HRS section 84-14(f) (emphasis added).

The amendments created by Act 208 relating to task force members' financial disclosure requirements are confusing and somewhat contradictory. The Commission, however, is obligated

²⁵ In relevant part, HRS sections 84-14(a), (b), (d) read:

- §84-14 Conflicts of interests.** (a) No employee shall take any official action directly affecting:
- (1) A business or other undertaking in which the employee has a substantial financial interest[.]
* * *
 - (b) No employee shall acquire financial interests in any business or other undertaking which the employee has reason to believe may be directly involved in official action to be taken by the employee.
* * *
 - (d) No legislator or employee shall assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill or to obtain a contract, claim, or other transaction or proposal in which the legislator or employee has participated or will participate as a legislator or employee, nor shall the legislator or employee assist any person or business or act in a representative capacity for a fee or other compensation on such bill, contract, claim, or other transaction or proposal before the legislature or agency of which the legislator or employee is an employee or legislator.

to construe each part of the statute "in connection with every other part or section so as to produce a harmonious whole."²⁶

2. Optional Disclosure of HRS Section 84-14(f)

With that principle in mind, the Commission first examines the conflicts of interests law, HRS section 84-14(f). A plain reading of subsection (f) clearly indicates that task force members are exempt from complying with subsections (a), (b), and (d) of the conflicts of interests law if they choose to file financial disclosure statements in accordance with HRS section 84-17. In other words, HRS section 84-14(f) appears to provide a task force member with the option of filing a financial disclosure statement. However, as discussed above, qualified-(c)(9)-members are, in the Commission's view, required to file financial disclosure statements.

The Commission, therefore, concludes that HRS section 84-14(f) applies to "non-qualified-(c)(9)-members," that is, those who are not likely to serve for more than one year or who are serving on a task force whose function is solely advisory. In other words, HRS section 84-14(f) applies to those task force members who are NOT required to file financial disclosure statements under HRS section 84-17(c)(9),²⁷ but provides them with the option of: (a) filing a financial disclosure statement

²⁶ In Re Castro, 44 Haw. 455, 458, 355 P.2d 46, 49 (1960); see also, Bumanglag v. Oahu Sugar Co., Ltd., 78 Hawai'i 275, 280, 892 P.2d 468, 473 (1995).

²⁷ If a task force member has filed a financial disclosure statement pursuant to HRS section 84-17(c)(9), he is likewise exempt from certain of the conflicts of interests provisions in accordance with HRS section 84-14(f). The exemption from HRS sections 84-14(a), (b), and (d), however, does not apply to an individual who is a state employee independent of his status as a task force member.

and thereby deriving the benefit of an exemption from certain conflicts of interests provisions;²⁸ or (b) not filing a financial disclosure statement and being subject to all of the provisions of the conflicts of interests law. As with qualified-(c)(9)-members, the financial disclosure statements filed by non-qualified-(c)(9)-members are confidential, except as discussed below.

3. Required Public Disclosure of HRS Section 84-13

With respect to HRS section 84-13, the fair treatment section of the State Ethics Code, the Commission agrees with Petitioner that the plain language of this section requires a member of a task force to file a public disclosure of the nature and extent of an interest or transaction only if the task force member has an interest or a transaction that he believes may be affected by his official action as a member of the task force.

The question, however, is whether the public disclosure required by HRS section 84-13 is the same type of disclosure required by HRS section 84-17. The Commission concludes it is not. The Commission's conclusion is premised on HRS section 84-17(e), which unambiguously provides that financial disclosure statements filed under HRS section 84-17 "shall be confidential,

²⁸ The Commission construes HRS section 84-14(f) as requiring task force members who opt to file financial disclosure statements to report all of the interests identified in HRS section 84-17(f). In addition to their own interests, the statute requires filers to disclose the interests of their spouses and dependent children. The Commission provides a financial disclosure form, Form D-201, that complies with the requirements of HRS section 84-17(f). The form is available on the Commission's website at www.ethics.hawaii.gov.

except as provided in subsection (d)."²⁹ Subsection (d) lists the employees whose financial disclosure statements are deemed to be public records.³⁰ With the exception of the Board of Education and the Board of Trustees of the Office of Hawaiian Affairs,³¹ neither members of boards and commissions nor members

²⁹ HRS section 84-17(e) provides:

(e) The information on the financial disclosure statements shall be confidential, except as provided in subsection (d). The commission shall not release the contents of the disclosures except as may be permitted pursuant to this chapter. Any person who releases any confidential information shall be subject to section 84-31(c).

³⁰ HRS section 84-17(d) reads:

- d) The financial disclosure statements of the following persons shall be public records and available for inspection and duplication:
- (1) The governor, the lieutenant governor, the members of the legislature, candidates for and delegates to the constitutional convention, the members of the board of education, the trustees of the office of Hawaiian affairs, and candidates for state elective offices;
 - (2) The directors of the state departments and their deputies, regardless of the titles by which the foregoing persons are designated; provided that with respect to the department of the attorney general, the foregoing shall apply only to the attorney general and the first deputy attorney general;
 - (3) The administrative director of the State;
 - (4) The president, the vice presidents, the assistant vice presidents, the chancellors, and the provosts of the University of Hawaii;
 - (5) The superintendent, the deputy superintendent, the state librarian, and the deputy state librarian of the department of education;
 - (6) The administrative director and the deputy director of the courts; and
 - (7) The administrator and the assistant administrator of the office of Hawaiian affairs.

³¹ It is the Commission's understanding that the members of these boards are required to file public disclosures under HRS section 84-17(d) because they are elected to their positions. Prior to a 2010 Hawaii State Constitutional amendment, members of the Board of Education were elected. Although members of the Board of Education are now appointed by the Governor, the statute has not been amended.

of task forces are included in subsection (d). The Commission, therefore, concludes that both HRS sections 84-14(f) and -17(c)(9) provide for confidentiality. However, Act 208's amendment of HRS section 84-13 clearly requires "full and complete public disclosure of the nature and extent of the transaction which the . . . task force member . . . believes may be affected by the . . . task force member's official action. The Commission, therefore, opines that HRS section 84-13's disclosure requirement may be satisfied by: 1) making available to the public a financial disclosure statement previously filed pursuant to HRS section 84-14(f) or HRS section 84-17(c)(9), provided the financial disclosure statement includes the affected interest; 2) filing a financial disclosure statement in the form required by HRS section 84-17, provided the financial disclosure statement is made available to the public and includes the interest or transaction required to be disclosed under HRS section 84-13; or 3) filing with the Commission a public document³² that identifies, with specificity, the particular interest or transaction that may be affected by the task force member's official action.³³

³² At this time the Commission does not have a separate form for the disclosure made pursuant to HRS section 84-13.

³³ HRS section 84-13 requires disclosure for both task force members and legislators. Generally, the financial disclosure statements filed by legislators, which are filed between January 1 and January 31, likely sufficiently disclose their interests and transactions that may be affected by their official action; therefore, no additional filing, generally, is required. If, however, the financial disclosure statement filed pursuant to HRS section 84-17 does not include the interest or transaction that may be affected by his official action, the Commission interprets HRS section 84-13 as requiring an additional disclosure filing from a legislator. For example, if a legislator acquires a financial interest after having filed his annual financial disclosure statement, and if this interest may be affected by official action taken by the legislator, HRS section 84-13 requires him to file another disclosure relating specifically to that interest.

In light of the State Ethics Code's underlying purpose and the statutory mandate that the statute be liberally construed to achieve that purpose, the Commission interprets HRS section 84-13 to require public disclosure of an interest or transaction prior to taking official action affecting that interest or transaction. The Commission believes that disclosure of an interest that may be affected by a task force member's action made after-the-fact, i.e., after the action has been taken, would be meaningless and would preclude the potential conflict from being vetted before the member participates in the action.

APPLICATION OF THE DISCLOSURE REQUIREMENTS OF THE
STATE ETHICS CODE TO TASK FORCE MEMBERS

Based on the foregoing discussion, the Commission declares that the financial disclosure requirements of the State Ethics Code apply to task force members as follows:

1. Pursuant to HRS section 84-17(c)(9), task force members whose original terms of office exceed one year and whose functions are not solely advisory must file financial disclosure statements with the Commission. With respect to the instant Petition, members of the Task Group and the Committee whose service has exceeded or is expected to exceed one year are required to file financial disclosure statements pursuant to HRS section 84-17 and must do so within 30 days of this decision.

2. A financial disclosure statement filed by a task force member pursuant to HRS section 84-17(c)(9) shall be confidential.
3. Pursuant to HRS section 84-14(f), a task force member who is not required to file a financial disclosure statement pursuant to HRS section 84-17(c)(9) has the option of:
 - a) filing a financial disclosure statement in the form required by HRS section 84-17, thereby qualifying him for exemption from certain conflicts of interests provisions, specifically HRS sections 84-14(a), (b), and (d); OR
 - b) not filing a financial disclosure statement and being subject to all of the provisions of the conflicts of interests law.
4. Task force members who opt to file financial disclosure statements pursuant to HRS section 84-14(f) must comply with the requirements set forth in HRS section 84-17, including the timing of their filings and the specific information that must be disclosed.
5. A financial disclosure statement filed by a task force member pursuant to HRS section 84-14(f) shall be confidential.
6. Pursuant to HRS section 84-13, a task force member who believes that he has an interest or transaction that may be affected by his official action as a member of the

task force must publicly disclose that interest or transaction.

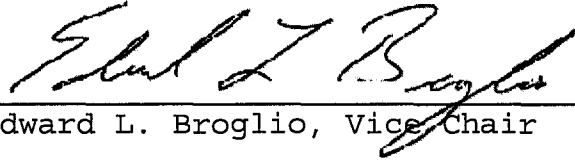
7. In order to comply with HRS section 84-13, a task force member who is required to disclose an affected interest or transaction must do so by:
 - a) directing the Commission, in writing, to make public a financial disclosure statement previously filed pursuant to HRS section 84-14(f) or HRS section 84-17(c)(9), provided that financial disclosure statement includes the interest or transaction required to be disclosed under HRS section 84-13; OR
 - b) filing a public disclosure in the form required by HRS section 84-17, i.e., on the financial disclosure statement form, which includes the interest or transaction required to be disclosed under HRS section 84-13; OR
 - c) filing a separate public document with the Commission that identifies, with particularity, the nature and extent of the specific interest or transaction.
8. Any disclosure filed with the Commission pursuant to HRS section 84-13 must be filed prior to the task force member taking the official action affecting the disclosed interest or transaction.

Dated: Honolulu, Hawaii, May 22, 2014.

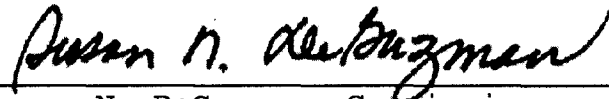
HAWAII STATE ETHICS COMMISSION



Cassandra J. Leolani Abdul, Chair



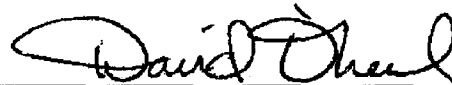
Edward L. Broglio, Vice Chair



Susan N. DeGuzman, Commissioner

Abstained

Ruth D. Tschumy, Commissioner



David O'Neal, Commissioner



HAWAII
STATE
ETHICS
COMMISSION


Exhibit "A"

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

MEMORANDUM

TO: Members of the Operational and Financial Controls
Improvement Advisory Task Group
James H.Q. Lee
Barry Mizuno
Saedene Ota
Jan N. Sullivan
Benjamin Kudo
Lawrence D. Rodriguez
Terri Fujii
Patrick Oki
Cory Kubota

VIA: Keith Amemiya, Executive Administrator and Secretary,
Board of Regents

FROM: Leslie H. Kondo 
Executive Director and General Counsel

DATE: October 26, 2012

SUBJECT: Disclosure of Financial Interests

As a member of the Operational and Financial Controls Improvement Advisory Task Group, created by the University of Hawaii Board of Regents at its meeting on September 5, 2012, you are required to file a Disclosure of Financial Interest form, Form D-201, with the Hawaii State Ethics Commission. The form is available through the Commission's website as a fillable pdf at <http://hawaii.gov/ethics/forms/findisc/D-201-LONG.pdf>. Instructions as to how to complete the form are also available through the Commission's website at <http://hawaii.gov/ethics/forms/findisc/D-201-LONGINST.pdf>. If you previously filed a Disclosure of Financial Interest form in 2012, as required by virtue of your state position, you do not need to file another form relating to your position as a member of the Advisory Task Group.

Please file your completed Disclosure of Financial Interest form with the Commission by **November 9, 2012**. If you need additional time to complete the form, please submit your request by November 9, 2012.

If you have questions, please contact me at 587-0460.



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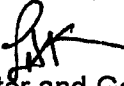
Exhibit "B"

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

MEMORANDUM

TO: Members of the University of Hawaii Athletic Director
Search Advisory Committee
Howard Karr
Norm Chow
Keith Amemiya
Laura Beeman
Bob Harrison
Peter Ho
Bonnyjean Manini
Mike McCartney
Diane Nakashima
Peter Nicholson
Mark Polivka
Teena Rasmussen
David Shoji

VIA: Tom Apple, Chancellor, University of Hawaii

FROM: Leslie H. Kondo 
Executive Director and General Counsel

DATE: October 26, 2012

SUBJECT: Disclosure of Financial Interests

As a member of the Athletic Director Search Advisory Committee created by University of Hawaii at Manoa Chancellor Tom Apple, you are required to file a Disclosure of Financial Interest form, Form D-201, with the Hawaii State Ethics Commission. The form is available through the Commission's website as a fillable pdf at <http://hawaii.gov/ethics/forms/findisc/D-201-LONG.pdf>. Instructions as to how to complete the form are also available through the Commission's website at <http://hawaii.gov/ethics/forms/findisc/D-201-LONGINST.pdf>. If you previously filed a Disclosure of Financial Interest form in 2012, as required by virtue of your state position, you do not need to file another form relating to your position as a member of the Advisory Task Group.

Please file your completed Disclosure of Financial Interest form with the Commission by **November 9, 2012**. If you need additional time to complete the form, please submit your request by November 9, 2012.

If you have questions, please contact me at 587-0460.