

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of) CA 07-02
)
Kane Hui and Ernest Hui,)
)
Respondents.)
_____)

CONCILIATION AGREEMENT

On or around November 2006, Barbara U. Wong, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Kane Hui and Ernest Hui ("Respondents"). The investigation was initiated pursuant to the express authority of section 11-193(a)(7), Hawaii Revised Statutes ("HRS"), for a determination of whether the Hawaii campaign spending laws had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Respondents and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents having voluntarily and fully cooperated with this investigation desires to resolve any potential litigation by entering into this Agreement with the Commission on his own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 1. On or around November 2006, Barbara U. Wong, Executive Director for the Commission, initiated an investigation of the Respondents.
 2. The Respondents and Richard Chan made contributions to the Intco Ko Olina Noncandidate Committee ("Committee").
 3. The Committee is a noncandidate committee registered with the Commission.
 4. Section 11-204(b), Hawaii Revised Statutes, reads as follows:

"No person or any other entity shall make contributions to a noncandidate committee, in an aggregate amount greater than \$1,000 in an election."
 5. The Committee reported receiving contributions and making contributions as follows:

<u>Date</u>	<u>Activity</u>	<u>Amount</u>	<u>Aggregate</u>	<u>Excess</u>	<u>Contribution by Committee</u>	<u>Escheat</u>
10/12/2006	Kane Hui contributed to the Committee	\$1,050	\$1,050	\$50		
10/12/2006	Committee contributed to Friends of Shaylene Iseri-Carvalho Committee				\$500	\$0
10/12/2006	Committee contributed to Friends of Mel Rapozo				\$500	\$0
10/12/2006	Committee contributed to Friends of Bill "Kaipo" Asing				\$50	\$50
10/14/2006	Ernest Hui contributed to the Committee	\$1,400	\$1,400	\$400		
10/14/2006	Richard Chan contributed to the Committee	\$100	\$100			
10/14/2006	Committee contributed to It's Time for Daryl Kaneshiro				\$500	
10/14/2006	Committee contributed to Friends of Jay Furfaro				\$500	
				<u>\$450</u>		<u>\$50</u>

6. Kane Hui made one excess contribution totaling \$50 to the Committee, in violation of section 11-204(b), HRS.
7. Ernest Hui made one excess contribution totaling \$400 to the Committee, in violation of section 11-204(b), HRS.
8. Respondents did not knowingly, intentionally, or recklessly violate section 11-204(b), HRS.
9. Section 11-204(e), HRS, reads as follows:

“Any candidate, candidate's committee, or committee that receives in the aggregate more than the applicable limits set forth in this section in any primary, initial special, special, or general election from a person, shall be required to return any excess contribution to the original donor within thirty days of receipt of the excess contribution. Any excess contribution not returned to the original donor within thirty days shall escheat to the Hawaii election campaign fund...”

10. A \$50 excess contribution, dated October 12, 2006, to the Friends of Bill “Kaipo” Asing was not returned within thirty days after the contribution was received.

VII. Settlement Terms

1. As final settlement of the matter and issues in Conciliation Agreement #07-02, Respondent Kane Hui understands and agrees to an assessment of One Hundred Dollars (\$100) pursuant to section 11-228, HRS.
2. As final settlement of the matter and issues in Conciliation Agreement #07-02, Respondent Ernest Hui understands and agrees to an assessment of Two Hundred Dollars (\$200) pursuant to section 11-228, HRS.

3. The excess contribution of \$50 to the Friends of Bill “Kaipo” Asing shall escheat to the Hawaii election campaign fund.
 4. Terms of payment of the assessment shall be by Order of the Commission.
 5. Respondents agree to comply with Hawaii laws on contributions and expenditures.
- VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.
- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and Respondent on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at

issue in this matter and any and all other matters covered by this
Agreement.

FOR THE COMMISSION:

Barbara Wong, Executive Director

Date: _____

RESPONDENT KANE HUI:

Date: _____

RESPONDENT ERNEST HUI:

Date: _____