

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of ) CA 07-06  
 )  
Robert Iwamoto, Jr. and )  
Robert Scott Iwamoto, )  
 )  
Respondents )  
\_\_\_\_\_ )

CONCILIATION AGREEMENT

On or around December 2006, Barbara U. Wong, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Robert Iwamoto, Jr. and Robert Scott Iwamoto ("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"), 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 further administrative proceedings and potential litigation by entering into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
  1. On or around December 2006, Barbara U. Wong, Executive Director for the Commission, initiated an investigation of the Respondents.
  2. The Friends of Kim Coco Iwamoto (“Committee”) is the candidate committee for Kim Coco Iwamoto, a candidate for the Board of Education.
  4. Section 11-204, Hawaii Revised Statutes, provides in part as follows:

“(a)(1) No person or any other entity shall make contributions to:

..... (C) A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate’s

committee in an aggregate amount greater than \$4,000 during an election period..”

5. The relevant election period for the Committee is from November 6, 2002 through November 7, 2006.

6. Section 11-204(c), HRS, provides as follows:

“(c) A candidate's immediate family, in making contributions to the candidate's campaign, shall be exempt from the above limitation, but shall be limited in the aggregate to \$50,000 in any election period. The aggregate amount of \$50,000 shall include any loans made for campaign purposes to the candidate from the candidate's immediate family.”

7. Section 11-191, HRS, provides in part as follows:

“"Immediate family" means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.”

8. The Committee reported receiving contributions as follows:

<u>Date</u>	<u>Activity</u>	<u>Amount</u>	<u>Relation</u>	<u>Aggregate</u>	<u>Excess</u>	<u>Escheat</u>
7/24/2006	Troy Iwamoto contributed to the Committee	\$1,000	Brother	\$1,000	\$0	
7/24/2006	Robert Iwamoto, Jr. contributed to the Committee	\$25,000	Father	\$26,000	\$0	
10/4/2006	Robert Iwamoto, Jr. contributed to the Committee	\$25,000	Father	\$51,000	<b>\$1,000</b>	<b>\$1,000</b>

11/4/2006	Robert Scott Iwamoto	\$5,000	Brother	\$56,000	<b>\$5,000</b>	<b>\$5,000</b>
	contributed to the Committee					
					<b><u>\$6,000</u></b>	<b><u>\$6,000</u></b>

9. Respondent Robert Iwamoto, Jr. made one excess contribution totaling \$1,000 to the Committee in violation of section 11-204(a)(1)(C), HRS.
10. Respondent Robert Scott Iwamoto made one excess contribution totaling \$5,000 to the Committee in violation of section 11-204(a)(1)(C), HRS.
11. Respondents did not knowingly, intentionally, or recklessly violate section 11-204(a)(1)(C), HRS.
12. 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. ..”

13. Respondent Robert Iwamoto, Jr.'s \$1,000 excess contribution, dated October 4, 2006, to the Committee was not returned within thirty days after the contribution was received.
14. Respondent Robert Scott Iwamoto's \$5,000 excess contribution, dated November 4, 2006, to the Committee was not returned within thirty days after the contribution was received.

VII. Settlement Terms

1. As final settlement of the matter and issues in this Conciliation Agreement #07-06, Respondent Robert Iwamoto, Jr. agrees to an assessment of \$350 pursuant to section 11-228, HRS.
2. As final settlement of the matter and issues in this Conciliation Agreement #07-06, Respondent Robert Scott Iwamoto, Jr. agrees to an assessment of \$1,500 pursuant to section 11-228, HRS.
3. Terms of payment of the assessment shall be by Order of the Commission.
4. Respondents agree to comply with Hawaii laws on contributions and expenditures.

5. Respondent Robert Iwamoto, Jr. acknowledges that his excess contribution of \$1,000 to the Committee shall escheat to the Hawaii election campaign fund.
  6. Respondent Robert Scott Iwamoto acknowledges that his excess contribution of \$5,000 to the Committee shall escheat to the Hawaii election campaign fund.
  7. It is understood that Respondents' entering into this Conciliation Agreement is intended to remedy or correct the alleged violation, but it is not an admission of liability.
- 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 Respondents 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: \_\_\_\_\_

**FOR THE RESPONDENTS:**

Robert Iwamoto, Jr.

By: \_\_\_\_\_

Date: \_\_\_\_\_

Robert Scott Iwamoto

By: \_\_\_\_\_

Date: \_\_\_\_\_