

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

IN RE THE MATTER OF	)	CA 08-03
	)	
WILLIAM J. K. MEDEIROS,	)	
MEDEIROS FOR COUNCIL	)	
COMMITTEE	)	
	)	
	)	
Respondents	)	
_____	)	

CONCILIATION AGREEMENT

On or around May 2008, Barbara U. Wong, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of William J.K. Medeiros and Medeiros for Council Committee ("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 further 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 its own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
1. On or around May 2008, Barbara U. Wong, Executive Director for the Commission, initiated an investigation of the Respondents.
  2. Respondent Medeiros for Council Committee is the candidate committee for Respondent William J.K. Medeiros, a member of the Maui County Council.
  3. Sections 11-212 and 11-213, HRS, require the timely filing of accurate reports disclosing contributions and expenditures pursuant to the reporting schedule. Respondents did not timely file eight disclosure reports. These reports; late filing dates; and the contributions and expenditures eventually disclosed by Respondents are summarized as follows:

Due date	Reporting period	Name of Report	Late filing date	Contributions Reported	Expenditures Reported
<u>2006 Election Period</u>					
July 28, 2006	January 1 through June 30, 2006	1 <sup>st</sup> Preliminary Primary	October 13, 2006 (77 days late)	1,190	1,039
September 13, 2006	July 1 through September 9, 2006	2 <sup>nd</sup> Preliminary Primary	October 13, 2006 (30 days late)	1,400	8,237
October 13, 2006	September 9 through September 23	Final Primary	July 31, 2008 (657 days late)	0	2,466.22
October 27, 2006	September 24, 2006 through October 23, 2006	Preliminary General	July 31, 2008 (643 days late)	12,560	3,281.17
December 7, 2006	September 24, 2006, through November	Final Election	July 31, 2008 (602 days late)	550	3,682

	7, 2006				
<u>2008 Election Period</u>					
January 30, 2007	November 8, 2006 through December 31, 2006	Supplemental	July 31, 2008 (547 days late)	1,580	611.78
July 31, 2007	January 1, 2006 through June 30, 2007	Supplemental	July 31, 2008 (366 days late)	1,250	685
January 31, 2008	July 1, 2007 through December 31, 2007	Supplemental	July 31, 2008 (182 days late)	0	0

4. Respondents did not knowingly, intentionally, or recklessly violate sections 11-212 and 11-213, HRS.

#### VII. Settlement Terms

1. As final settlement of the matter and issues in this Conciliation Agreement #08-03, Respondents agree to an assessment of \$2,000 pursuant to section 11-228, HRS.
2. Terms of payment of the assessment shall be by Order of the Commission.
3. Respondents agree to comply with Hawaii laws on contributions and expenditures, including the timely filing of disclosure reports.
4. 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:**

William J.K. Medeiros

\_\_\_\_\_

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

Medeiros for Council Committee

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

\_\_\_\_\_

Print Name

Its: \_\_\_\_\_

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