

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 08-06
)	
Debbie Hecht)	
Friends of Debbie Hecht)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around October 2008, Barbara U. Wong, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Debbie Hecht and Friends of Debbie Hecht (jointly "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 his own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 1. On or around October 2008, Barbara U. Wong, Executive Director for the Commission, initiated an investigation of the Respondents.
 2. Friends of Debbie Hecht registered with the Commission as the candidate committee for Debbie Hecht.
 3. Section 11-200, HRS, provides in relevant part:
 - (a) A candidate, campaign treasurer, or candidate's committee shall not receive any contributions or receive or make any transfer of money or anything of value:
 - (1) For any purpose other than that directly related:
 - (A) In the case of the candidate, to the candidate's own campaign; or
 - (B) In the case of a campaign treasurer or candidate's committee, to the campaign of the

candidate, question, or issue with which they are directly associated; or

(2) To support the campaigns of candidates other than the candidate for whom the funds were collected or with whom the campaign treasurer or candidate's committee is directly associated.

4. Respondents paid for an advertisement in the West Hawaii

Today, which supported another candidate, in violation of sections 11-200 (a) (1) (A) and 11-200 (a) (2), HRS.

5. Respondents did not knowingly, intentionally, or recklessly violate sections 11-200(a) (1) (A) and 11-200(a) (2), HRS.

VII. Settlement Terms

1. As final settlement of the matter and issues in Conciliation Agreement #08-06, Respondents understand and agree to an assessment of One Hundred Dollars (\$100) pursuant to section 11-228, HRS.
2. Candidate Angel Pilago will reimburse \$200, an amount equivalent to 1/3 of the cost of the advertisement, to the Friends of Debbie Hecht. The total costs for the advertisement was \$600.
3. Terms of payment of the assessment shall be by Order of the Commission.
4. Respondent agrees to comply with Hawaii laws on contributions and expenditures.

5. It is understood that Respondent 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 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 U. Wong, Executive Director

Date: _____

FOR THE RESPONDENTS:

Debbie Hecht

By: _____

Date: _____

Friends of Debbie Hecht

By: _____

Print Name

Its: _____

Date: _____