

STATEMENT OF DENNIS IHARA

On April 14, 2007, Dennis Ihara provided to Hilton J. Lui a copy of his Affidavit and documents which he prepared for the Senate Committee which were conducting hearings relative to Peter Young's confirmation. Attached herewith is the Affidavit and documents.

200044

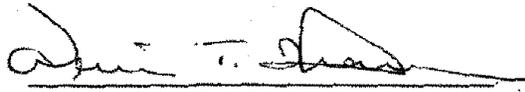
AFFIDAVIT OF DENNIS T. IHARA

STATE OF HAWAII)
)
CITY AND COUNTY OF HONOLULU)

DENNIS T. IHARA, being first duly sworn on oath, deposes and says:

1. That he is the Deputy Registrar of the State of Hawaii Bureau of Conveyances.
2. That he is also a licensed attorney.
3. That he apologizes to this Honorable Committee, but due to his doctor's orders, he is unable to personally appear at the Senate Hearing.
4. That said doctor's letter is on file with the Honorable Committee Chair Russell Kokubun.
5. That the attached narratives of copies of e-mail and memorandum notes are to the best of his knowledge true and correct.

FURTHER AFFIANT SAYETH NAUGHT.


DENNIS T. IHARA

Subscribed and sworn to before me
this 10th day of April, 2007.


Louanna Jagwa, 69

Notary Public, State of Hawaii

My commission expires: 5/25/07

A.S.

200045

TESTIMONY OF
DENNIS T. IHARA
REGARDING PETER YOUNG

Aloha Honorable Chair Kokubun, Vice Chair Tokuda and members of the Committee. I am Dennis T. Ihara, Deputy Registrar of the Bureau of Conveyances and subpoenaed to appear before this Committee. However, doctor's orders prevent me from appearing in person and while I am not supposed to go to work at all, I do go in for a few hours a day to keep things moving. I have filed my doctor's letter with Chair Kokubun to explain my condition.

I began employment at the Bureau of Conveyances on August 22, 2006, and together with DLNR First Deputy Robert Masuda (Bob), was tasked with turning the Bureau around. At the time of hire, I was not informed of being in charge of Bureau operations, but when told to do so, I accepted it as a challenge.

I found the Bureau to be split into factions, similar to a battleground of Shiites against the Sunnis. Among other things, I initially found that 1) Communication was nil, because only the "chosen few" had e-mail access. 2) Depending upon which section staff worked, they could only use designated doors to enter or exit. It did not matter if your job station was completely on the opposite of the room, if the closest door to you was not your designated door, you could not use it. 3) Even if one's desk was next to another, if the other person worked in another section, there could be no communication between the two. I did away with all those absurd rules by having all staff have e-mail access; lifted the rule that only certain doors could be used; as well as encouraging communications between staff to get the work done.

In the few meetings with Director/Chair Peter Young (Chair Young), he has yelled at Bob and I which I think is uncalled for. In all my years of work, I have never been yelled at by anyone, even staff. From the very outset, the "chosen few" who caused the Bureau to have its backlog, had at that time and still maintains the support of Chair Young who has been critical of whatever I have attempted to initiate, although it is acknowledged that I report directly to Bob Masuda. For example, in an e-mail of November 22, 2006, Exhibit 1, Peter had received an e-mail from subordinate staff and without consulting either Bob or myself, made demands with his favorite mantra of "get everyone to work together." On December 26, 2006, I sent an e-mail to Peter in frustration, asking for direction, Exhibit 2, but had no answer. In an e-mail of December 28, 2006, Peter accused me of excluding one of the "chosen few" without even hearing me out, Exhibit 3. Similar with the Shiites and Sunnis, it is not simple to get warring factions to "work together" simply by saying it. Further, Peter refused to take into account that the bargaining unit agreement does not allow staff to do interchangeable jobs in "working together." At one point, he insisted of consolidating everyone on the front counter who does receiving, to do interchangeable duties. If we went along with his insistence, we would have gotten even more grievances than we already had. (When I began employment, there were over 50 union grievances outstanding, which I resolved down to about five.)

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Coming in and leaving at different times, I began to notice various managerial, fiscal, and ethical improprieties going on in the Bureau and immediately reported them to Bob Masuda who has been very supportive on everything I have attempted to initiate. We then called in the Attorney General's (AGs) office and State Ethics Commission investigators who continues to investigate. To that, Peter questioned why I was doing it and wanted to know what Ethics said, Exhibit 4. I submitted to him the letter from Ethics. Further, he directed Bob and me to stop the investigation and turn everything over to the investigators. He also insisted on screening all evidence to the AGs. E-mail Exhibit 5, dated March 1, 2007. Usually Directors would want staff to assist in any investigation, but Peter was contrary. Although directed to cease investigations, since I am also an attorney, I hold myself to a higher ethical standard of honesty and did the best I could to explain the improprieties to the investigators in order that they had adequate information. As a result of all this, Peter demanded to see my compensatory time sheets and initially denied them, although Bob had approved the extra hours. Despite doctor's papers for all absences, he also directed all of my sick leave and vacation time to be turned over to him.

When Peter extended my probationary period the day before it was to expire, I was angry and frustrated and for the first time, e-mailed Bob Awana of the Governor's Office. E-mail memo Exhibit 6. Mr. Awana in turn assigned DHRD Director Marie Laderta who called a meeting on March 9, 2007, my notes for the meeting Exhibit 7. I needed to write those notes because in my medical condition, I found myself to have mental lapses. The meeting with Director Laderta amounted to nothing.

Since that time, I have filed a grievance against Peter; I have filed for Whistleblower protection and have retained Attorney Eric Seitz for representation; I have also filed for Workers Compensation based upon hypertension and stress for which I am currently under medical care. Since the Attorney General's Office has denied me representation on trumped-up harassment charges by one of the "chosen few" memo to Peter dated November 29, 2006, Exhibit 8, and e-mail to everyone concerned, dated November 30, 2006, Exhibit 9. Thank goodness the Union has recently stepped in to represent me. In answer to memos to the AGs dated December 26, 2006, Exhibit 10, and Personnel, Exhibit 11, I was told to simply have a witness present and carry on which is still in effect, but no other support. (THE HARASSMENT MATTER IS STILL TO BE RESOLVED AND SHOULD BE KEPT CONFIDENTIAL).

Peter interferes or remains silent as he sees fit, demanding that Bob and I get the Bureau to work together as a team, e-mail dated 11/22/06, Exhibit 12; accuse me of blaming him by "inference" e-mail dated February 9, 2007, Exhibit 13; passes on messages as he sees fit, e-mail dated March 13, 2007, Exhibit 14; say he will look into serious matters but do not reply as in e-mail dated February 12, 2007, Exhibit 15.

On behalf of all the good employees who are speaking up before this Committee, I have done my best because they deserve better. I have paid dearly with my health and all this will be in vain unless you Senators do something. The matter is in your hands.

200047

Peter T
Young/DLNR/StateHIUS
11/22/2006 01:54 PM

To Robert K Masuda/DLNR/StateHiUS@StateHiUS, Dennis T
Ihara/DLNR/StateHiUS@StateHiUS

cc

bcc

Subject Fw: Unprofessional actions

History: This message has been forwarded.

I have been told things are fine from you guys.

Yet, we learn later that backlogs developed downstairs.

Then we learn that reports to the legislature (due in October) are still not done.

Then we hear from Personnel that certain things are not appropriate, yet they get repeated.

Then we hear from staff asking for explanations from me.

You guys need to resolve this and get the team working together.

Focus on this and give immediate and aggressive attention to resolve these conflicts.

Peter.

----- Forwarded by Peter T Young/DLNR/StateHIUS on 11/22/2006 01:51 PM -----

Nicolene M
Gega-Chang/DLNR/StateHiU
S
11/22/2006 11:48 AM

To Peter T Young/DLNR/StateHIUS@StateHIUS

cc Robert K Masuda/DLNR/StateHiUS@StateHiUS, Dennis T
Ihara/DLNR/StateHiUS@StateHiUS

Subject Unprofessional actions

I am requesting from the Chairman's Office a written explanation to the following questions:

- Why has the Chairman's Office allowed Mr. Ihara to conduct himself in an unprofessional manner while being employed at the Bureau?
- Why has Mr. Ihara been allowed to exclude me as a Land Court Branch and part of the Management from decision making in regards to the Bureau's functions?
- Why is the Department allowing Mr. Ihara to not seek input from Myself regarding Land Court matters.
- Why has the Department allowed Mr. Ihara to not treat the Branches fairly, by not rendering help to the Land Court Receiving Section when there is shortages?
- Please explain to me what is Mr. Ihara role as the Deputy Registrar, of the Bureau?
- Why was a Union Agent ask to attend a Management meeting that was to address the issues of the Bureau's backlog?
- Why was the Union Agent permitted to be involved in the discussion of operational issues?

200048

EXHIBIT 1

I thought the purpose of Mr. Ihara appointment to the Bureau was to help alleviate the many problems that the Bureau is going through and to help bring the backlog to a current status. To date the Bureau continues to have problems and the backlog continues to grow.

Your response to my concerns would be appreciated.

200049

Dennis T
lhara/DLNR/StateHIUS
12/26/2006 01:04 PM

To Peter T Young/DLNR/StateHIUS@StateHIUS
cc Robert K Masuda/DLNR/StateHIUS@StateHIUS
bcc Jean M Kashiwaeda/DHRD/StateHIUS@StateHIUS
Subject Re: Fw: AR/s & Susanna

Aloha Peter:

Ms. Gega-Chang does not request for vacation, she simply says she is going and leaves. Her G-1 did not come in until this morning. The truth of the matter with Susannah is that she and Nicole does not get along and Ms. Gega-Chang originally questioned her vacation, knowing that Susannah was going to lose it if she did not take it. Since Ms. Gega-Chang was here only half a day on Friday (but yet complained about the front section's pot luck which will be addressed under separate cover), when Susannah brought it to my attention that she would lose her vacation on Friday afternoon, I authorized it. Ms. Gega-Chang had previously authorized Rex and Carol's vacations. They all knew we would be busy, but there's an argument of which Policy and Procedure we follow. The ARs are not included in the rush period, which is arguable. All this was established prior to my coming here.

With Bob on vacation until Thursday, I have yet to speak to him and would like to reserve comment on plans to address the mail. However, on 12/04/2006, upon your request, I wrote a comprehensive report of present and future plans for the Bureau, including that of addressing the mail. Since I have not received an answer nor been informed of what others wrote to you, I would like to ask for direction as to your thoughts. I still maintain that the backlog is not a manpower problem, but one of Ms. Gega-Chang's insistence of bullying and not doing her work in properly supervising Susan Cummings. Meanwhile, under the guise of lack of manpower, Ms. Gega-Chang continues to pile up the mail bins. This has also resulted in the JVs problem which was only found by Fiscal recently, but has been going on for a long time. I tried to write a comprehensive report about the problem because there may be financial mismanagement, but you declined to have me do the report. Consequently, I respectfully request for advise and guidance on how to proceed. Perhaps the re-convening of the Chief of Staff's management team may help clarify the issues? Thank you.

Dennis

Peter T Young/DLNR/StateHIUS



Peter T
Young/DLNR/StateHIUS
12/26/2006 09:07 AM

To Dennis T lhara/DLNR/StateHIUS@StateHIUS
cc Robert K Masuda/DLNR/StateHIUS@StateHIUS
Subject Fw: AR/s & Susanna

Dennis:

I am concerned that people are out the last week of the year - particularly when this is typically the busiest week and we have a growing backlog of mail downstairs.

Who approved vacations for the last week?

What are the plans to address the current backlog downstairs?

Peter.

200050

EXHIBIT 2

-----Forwarded by Peter T Young/DLNR/StateHiUS on 12/26/2006 09:05AM -----

To: Dennis T Ihara/DLNR/StateHiUS@StateHiUS
From: Nicolene M Gega-Chang/DLNR/StateHiUS
Date: 12/26/2006 08:56AM
cc: Peter T Young/DLNR/StateHiUS@StateHiUS, Robert K Masuda/DLNR/StateHiUS@StateHiUS
Subject: AR/s & Susanna

Hannah is the only A/R here today

Rex & Carol is on vacation

Maile called in sick

Susanna isn't here and she didn't call. I didn't sign her G-1 for the vacation she requested for today and tomorrow, did anyone else sign her G-1?

I'm leaving today at 12:00 pm

200051



Peter T
Young/DLNR/StateHiUS
12/28/2006 07:24 AM

To Dennis T Ihara/DLNR/StateHiUS@StateHiUS
cc Robert K Masuda/DLNR/StateHiUS@StateHiUS
bcc

Subject Re: Fw: T/A

History: This message has been replied to.

Someone needs to make the first move to work together.

I already set the stage and let people know we need to work together.

Now, it is the responsibility of each individual to make a concerted, sincere effort.

I noticed in the past you excluded Nicol from certian activities - now is the opportunity to make the effort to work with her.

Peter.

-----Dennis T Ihara/DLNR/StateHiUS wrote: -----

To: Peter T Young/DLNR/StateHiUS@StateHiUS
From: Dennis T Ihara/DLNR/StateHiUS
Date: 12/27/2006 05:14PM
cc: Robert K Masuda/DLNR/StateHiUS@StateHiUS
Subject: Fw: T/A

Peter: You have ordered to work together, but this woman is on her own power trip and insists on doing things her way. She doesn't ask permission, she goes ahead and takes vacation or TAs people whenever she pleases.

Bob has been and will be out till noon tomorrow. After meeting with him, I will elaborate further.

Dennis

----- Forwarded by Dennis T Ihara/DLNR/StateHiUS on 12/27/2006 04:59 PM -----

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To Nicolene M Gega-Chang/DLNR/StateHiUS
cc Edna J Magnaye/DLNR/StateHiUS@StateHiUS, Peter T
Young/DLNR/StateHiUS@StateHiUS, Robert K
Masuda/DLNR/StateHiUS@StateHiUS
Subject Re: T/A

200052

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Reminder: To effectively manage overtime, I had requested that all TAs need to be cleared with me first.
Thank you.

Dennis

Nicolene M Gega-Chang/DLNR/StateHiUS

**Nicolene M
Gega-Chang/D
LNR/StateHiUS**

To Edna J Magnaye/DLNR/StateHiUS@StateHiUS

cc Dennis T Ihara/DLNR/StateHiUS@StateHiUS, Peter T
Young/DLNR/StateHiUS@StateHiUS

12/27/2006
09:53 AM

Subject: A
t

Today Susan Cummings and Shirlene called in sick in Land Court Receiving. Donna is being T/A'ed to the Supervisor position for the day. Thanks

200053

Dennis T
Ihara/DLNR/StateHIUS
12/04/2006 06:28 PM

To Peter T Young/DLNR/StateHIUS@StateHIUS
cc Robert K Masuda/DLNR/StateHIUS@StateHIUS
bcc
Subject Re: Fw: Gift Basket

I have requested Ethics to send a letter to which they have agreed. The screening is that they want to review each basket and make per basket determinations. I told them it usually involves over 20 baskets but they said it did not matter. Incidentally, they will be here tomorrow and Thurs. for workshops to Bureau staff. There will be a third to accomodate those who missed either day. Thanx.

Dennis

Peter T Young/DLNR/StateHIUS

Peter T
Young/DLNR/StateHIUS
12/04/2006 05:41 PM

To Dennis T Ihara/DLNR/StateHIUS@StateHIUS
cc Robert K Masuda/DLNR/StateHIUS@StateHIUS
Subject Re: Fw: Gift Basket

I would like to know what Ethics says about it.

What does "screened for approval" mean?

Peter.

Dennis T Ihara/DLNR/StateHIUS

Dennis T
Ihara/DLNR/StateHIUS
12/04/2006 05:39 PM

To Peter T Young/DLNR/StateHIUS@StateHIUS
cc Robert K Masuda/DLNR/StateHIUS@StateHIUS
Subject Fw: Gift Basket

Aloha: FYI. If you gentlemen have not yet heard repercussions, the Ethics Commission (EC) has requested that all gifts be screened through them for approval. This matter of gifts and gift baskets from Title companies traditionally have been a big thing during X'mas and certain Bureau employees look forward to it.

On Friday, Carol mentioned to me that a basket had come in over the counter and I directed her to pass it on to Edna for safekeeping and reporting to the EC. Later in the afternoon, when I asked if she had done as instructed, Carol said she had given it to Maile to take upstairs. Why? No answer was given. In checking with Maile on Friday afternoon, I asked her if she had the basket, she said yes. When I asked how did the basket arrive, she said via mail. When asked who it was from, she did not know neither could she describe the kind of box in which it had arrived. I told Maile at that time to return the basket to Edna for reporting to EC and she said O.K. As of today, she had not done so.

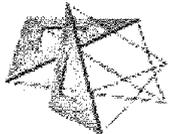
200054

EXHIBIT 4

This matter may escalate, but I will follow what Ethics have instructed me. It is hoped that my decision will be supported. Mahalo.

Dennis

----- Forwarded by Dennis T Ihara/DLNR/StateHIUS on 12/04/2006 05:13 PM -----



Edna J
Magnaye/DLNR/StateHIUS
12/04/2006 12:24 PM

To Maile L Kekua-Haliniak/DLNR/StateHIUS@StateHIUS, Carol
H Ching/DLNR/StateHIUS@StateHIUS
cc Dennis T Ihara/DLNR/StateHIUS@StateHIUS
Subject RE: Gift Basket

Maile,

Do you have the gift basket from last week? Per Carol, she gave it to you to bring upstairs. Can you please bring it to me, so I can leave it in Carl's office.

Thanks,
Edna

200055



HAWAII
STATE
ETHICS
COMMISSION

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

December 21, 2006

CONFIDENTIAL

VIA MAIL AND FACSIMILE: 587-4380

Mr. Dennis Ihara
Deputy Registrar
Department of Land and Natural Resources
Bureau of Conveyances
P.O. Box 2867
Honolulu, Hawaii 96803

Dear Mr. Ihara:

This letter is in response to your recent inquiry to our office regarding gifts recently given to the employees of the Bureau of Conveyances ("Bureau"). These gifts are from individuals or entities that do business with the Bureau, who are thus subject to the discretion of Bureau employees.

Based on our review of the facts of this situation, along with the fact that we have been involved in advising your office with regard to gifts over the last ten years or so, we have concluded that the acceptance (or solicitation) of gifts by Bureau employees from persons, businesses, or others who are subject to discretionary action by the Bureau, is prohibited under the State Ethics Code, Chapter 84, Hawaii Revised Statutes.

Please note that Article XIV of the Constitution of the State of Hawaii provides that: "The people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct . . ." (Emphasis added.) To achieve this end, Article XIV established the Hawaii State Ethics Commission, and mandated that the Legislature "adopt a code of ethics" for state officials and employees.

Pursuant to Article XIV of the Constitution of the State of Hawaii, Chapter 84, Hawaii Revised Statutes ("HRS"), which sets forth a code of ethical conduct for state officials and state employees (the "State Ethics Code"), was duly enacted into law. The State Ethics Commission has been in existence since January 1, 1968.

Please note that HRS section 84-1 of the State Ethics Code mandates that the State Ethics Code shall be "liberally construed" to promote high standards of ethical conduct in state government. In accordance with this section of the State Ethics Code, the Hawaii State Ethics Commission ("State Ethics Commission") is charged with the duty to liberally construe the State Ethics Code when applying the various provisions of the State Ethics Code. "Liberal construction" of the law

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means that a statute can be interpreted broadly to meet cases that are within the spirit or reason of the law, or within the "evil" the law was designed to remedy. The State Ethics Commission thus is charged with the duty to interpret the State Ethics Code, and to apply "liberal construction" when appropriate.

Please note that in keeping with the mandate of Article XIV of the Constitution of the State of Hawaii, the State Ethics Code contains provisions pertaining to gifts and provisions pertaining to the misuse or attempted misuse by a state employee of his or her "official position." These provisions will be discussed below.

The Gifts Law, HRS section 84-11

HRS section 84-11, entitled "Gifts," is the primary law that prohibits state officials and employees from accepting or soliciting gifts in certain circumstances. This provision of the State Ethics Code reads, in its entirety, as follows:

§ 84-11 Gifts. No legislator or employee shall solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the legislator or employee in the performance of the legislator's or employee's official duties or is intended as a reward for any official action on the legislator's or employee's part. [Emphasis added.]

This section of the State Ethics Code prohibits a gift to a state official or state employee if one can reasonably infer that the gift is intended to reward or influence discretionary action on the part of a state official or employee. It is important to note that this statute is violated simply if it is reasonable to infer that a gift has been given to influence or reward discretionary action. In other words, the statute may be violated whether or not the donor of the gift actually intended to influence or reward discretionary action on the part of a state official or employee.

In determining whether HRS section 84-11 prohibits any particular gift, the State Ethics Commission reviews relevant factors, including the value of the gift, the circumstances under which the gift is given, whether the gift benefits the recipient personally or whether the gift benefits the State, and the nature of the relationship between the donor of the gift and the recipient of the gift. The Gifts Law is aimed at preventing both the actuality, and the appearance of, impropriety. That a state official or employee contends that a gift will not actually influence him or her is not a factor in determining the legality of soliciting or accepting a gift under HRS section 84-11. As stated above, HRS section 84-11 is violated if it is "reasonable to infer" that a gift has been given to influence or reward official

action. Section 84-11 is based on the appearance of influence or reward, not the actuality of such. Prohibiting an "appearance of impropriety" with respect to gifts avoids public suspicion, and thus furthers public confidence in State government.

Because of the important functions of the Bureau with regard to those subject to the Bureau's official actions, Bureau employees are particularly susceptible to the appearance of impropriety with regard to gifts. The Bureau of Conveyances takes significant state action. Members of the public who do business with the Bureau can be significantly affected by its actions. There can be major legal ramifications based on the Bureau's actions. Thus, with respect to gifts, serious concerns arise when Bureau employees accept gifts.

While it has been the State Ethics Commission's general policy that acceptance of an occasional, inexpensive "token of aloha" that is shared with the office would not generally be prohibited under the Gifts Law, we do not believe it is accurate to describe gifts from persons or entities who do business with the Bureau as simply "tokens of aloha." Given the nature of services the Bureau provides and the nature of the relationship between the Bureau and those subject to its action, a reasonable inference can be made that a gift given to the Bureau, raises a "reasonable" inference that the gift is given to influence or reward official action. In fact, our office has been told that companies providing gifts often ask for special consideration in having their work processed. Under such circumstances, serious ethical concerns are raised.

Over the past decade or so, our office has been dealing with complaints and inquiries about gifts being received or solicited by Bureau employees from persons or corporations that do business with the Bureau.

Under both a (1) "liberal construction" and (2) straightforward interpretation of the Gifts Law, HRS section 84-11, we conclude, given the totality of the circumstances in this situation, that all gifts of any value beyond a de minimus value or minimal value (such as logo pens, etc.) given to the Bureau or Bureau employees, by persons who do business with the Bureau, raise, at a minimum, a "reasonable inference" that the gifts are given to influence or reward Bureau employees with respect to the services the Bureau provides to the public. Therefore, we interpret HRS section 84-11 as prohibiting the Bureau and employees of the Bureau from accepting gifts from customers of the Bureau. This would include gift baskets and gifts of food or beverages, and other gifts of a similar or greater value. Such gifts cannot be accepted, even if shared by the office, because of the important nature of the action the Bureau takes, not to mention the fact that the Bureau receives requests from some of its gift-giving customers for special favors.

The Fair Treatment Law, HRS section 84-13

HRS section 84-13, entitled "Fair Treatment," states, in relevant part, as follows:

§ 84-13 Fair treatment. No legislator or employee shall use or attempt to use the legislator's or employee's official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others; including but not limited to the following:

- ...
- (2) Accepting, receiving, or soliciting compensation or other consideration for the performance of the legislator's or employee's official duties or responsibilities except as provided by law.

HRS section 84-13, known as the Fair Treatment Law, prohibits state officials and employees from using, or attempting to use, their official positions to secure for themselves or others any unwarranted treatment or benefits. More particularly, HRS section 84-13(2), a part of the Fair Treatment Law, prohibits state officials and employees from using or attempting to use their official positions by:

Accepting, receiving, or soliciting compensation or other consideration for the performance of the legislator's or employee's official duties except as provided by law. [Emphasis added.]

HRS section 84-13(2) prohibits state officials and state employees from accepting or soliciting any "compensation" or "consideration" for the performance of their official duties unless the compensation or consideration is provided for by law. The term "compensation" is defined in section 84-3 of the State Ethics Code to mean "any money, thing of value or economic benefit conferred on or received by any person in return for services rendered or to be rendered by oneself or another." Because the term "compensation" includes any thing of value or of economic benefit, the term "compensation" includes any gift that may be given to a state official or employee "for the performance of" the state official's or employee's official duties or responsibilities. This situation arises when gifts are tied to requests for special favors. HRS section 84-13(2) applies as well to gifts that are given because of a state employee's mere status as a state employee. In this case, the ability to accord a special favor, whether done or not, creates a "status" gift.

HRS section 84-13(2) was enacted to prevent state officials and state employees from unjustly enriching themselves by soliciting or accepting any money,

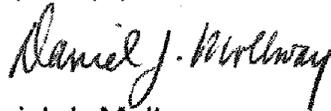
Mr. Dennis Ihara
December 21, 2006
Page 5

gifts, or anything of value, simply because of the performance of their official duties, or because of their mere "status" as state employees.

It is evident and credible from what our office has been told over the years that Bureau employees are receiving gifts given by individuals, lawyers, and corporations who hope to obtain special favors or believe they must provide gifts in regard to the handling of their submittals to the Bureau. However, as state employees, Bureau employees are already paid by the State to perform certain duties and responsibilities for the Bureau of Conveyances, including giving proper attention to the work of Bureau customers and processing the work in an expeditious and impartial manner. Thus, Bureau employees are not entitled to receive any additional compensation (i.e., things of value) for performing the same duties and responsibilities that they are already paid by the State to perform.

Bureau employees who accept gifts or anything of value under the circumstances discussed above, would be in violation of HRS section 84-11, 84-13(2), and 84-13, in our opinion. We thus conclude that Bureau employees may not, in light of the above, accept gifts from those subject to the official action of the Bureau.

Very truly yours,



Daniel J. Mollway
Executive Director and General Counsel

DJM/dch

c: Peter Young
Robert Masuda

200060



Dennis M
Naganuma/AG/StateHIUS
03/01/2007 01:18 PM

To Dennis.T.Ihara@hawaii.gov@StateHIUS
cc
bcc
Subject Re: Fw: 

Sorry for the phone tag, things have been hectic for me recently. I submitted a list of documents that we (AG's) want to look at. I know you don't approve of Peter being involved, but this may turn out to be a good thing. Peter has one of two options. Produce the documents we have asked for or explain to the First Deputy why he doesn't or cannot get them. Peter needs to be held accountable as well as Carl and this may be the way to do that.

My cell phone number is 306-8968.
Dennis

Dennis T Ihara /DLNR/StateHIUS

02/23/2007 02:48 PM

To Robert K Masuda/DLNR/StateHIUS@StateHIUS
cc Dennis M Naganuma/AG/StateHIUS@StateHIUS
Subject Re: Fw: Link

Mahalo Bob: I am trying my best to uphold the law, but there has been blocks to my attempts.

Dennis

Robert K Masuda /DLNR/StateHIUS

02/23/2007 11:01 AM

To Dennis T Ihara/DLNR/StateHIUS@StateHIUS
cc Dennis M Naganuma/AG/StateHIUS@StateHIUS
Subject Re: Fw: Link

Dennis:

I believe we were directed by the Chair to have the AG's office (Lisa, Dennis N., et al) do the investigating. I interpret this to mean they conduct the investigation as professionally as they would in any

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EXHIBIT 5

other circumstance. That means whatever documents are asked for or are believed by Bureau employees to be pertinent to the investigation be provided as requested, no filters should be applied.

You should provide a list of documents that should be reviewed/examined by the investigative staff. Staff should be instructed to comply with requests to provide such documents.

If there are individuals that are not comfortable with having documents provided via this process, because of their concern for confidentiality or any other issue, they should provide it directly to the investigators or through whomever they are comfortable with so doing. The issue is for any item that is thought to be relevant to the investigation be subject to the review/examination of the investigators.

Without the freedom of uncompromised investigation, our employees will not trust the system and justice will not be served. The last I was aware we are a society of law.

Hope this is clear!

Bob

Robert K. Masuda, Deputy Director
Dept. of Land & Natural Resources
Kalanimoku Bldg., 1151 Punchbowl St.
Honolulu, Hawai'i 96813
ph: (808) 587-0400
fax: (808) 587-0390
email: R.K.Masuda@hawaii.gov

Dennis T Ihara /DLNR/StateHIUS

02/22/2007 03:07 PM

To Robert K Masuda/DLNR/StateHIUS@StateHIUS
cc Dennis M Naganuma/AG/StateHIUS@StateHIUS
Subject Fw:

Bob: I have had enough of this nonsense. Peter should not be the one reviewing documents. We need to discuss because I will be doing something about this. Thanks.

Dennis

----- Forwarded by Dennis T Ihara/DLNR/StateHIUS on 02/22/2007 03:04 PM -----

Dennis M Naganuma /AG/StateHIUS

02/22/2007 07:47 AM

To Dennis.T.Ihara@hawaii.gov@StateHIUS
cc
Subject Re: Link

200062

Apparently when Peter talks to the AG he puts on the cooperative face. Discuss with Bob if you want us(AG's) to look at any documents. You mentioned problems with the billing process for LCATS, I believe. If you're having problems getting documents from Carl, Peter has agreed to assist the AG in getting them. Give me a call after you've talked to Bob.

Dennis

Dennis T Ihara /DLNR/StateHIUS

02/21/2007 03:39 PM

To: Dennis M Naganuma/AG/StateHIUS@StateHIUS
cc: Robert K Masuda/DLNR/StateHIUS@StateHIUS
Subject: Re: [Link](#)

Peter originally said to leave the investigation to the AGs, now he wants to review documents? What is he afraid about? I will discuss with Bob and get back to you. Sorry, I have been out sick and only in for a few hours a day. Mahalo for your continuing assistance.

Dennis

Dennis M Naganuma /AG/StateHIUS

02/20/2007 02:20 PM

To: Dennis.T.Ihara@hawaii.gov@StateHIUS
cc:
Subject:

Aloha Dennis,

After our last telephone conversation, I had a meeting with First Deputy Lisa Ginoza to apprise her of your

200063

request to look into some of the financial concerns you had. While she wants to assist you in your efforts, she doesn't want me to go on a fishing expedition in your offices. She's talked to Peter Young and at least to Lisa's face, says he supports the investigation and he'll do whatever he can to help. Lisa has asked me for a list of documents you want to have reviewed and she will make the request through Peter Young.

Please call me as soon as possible, so we can discuss, what documents you want to have reviewed.

Thanks,
Dennis
586-1524

200064

2/26/2007

TO: Bob Awana
Chief of Staff

FROM: Dennis Ihara
Deputy Registrar

RE: QUESTIONS

I realize your busy schedule and thus, I have never e-mailed you before. However, I know others at the Bureau of Conveyances (Bureau) have e-mailed both you and the Governor in criticism of my efforts and I hope you will equally hear me out.

I have been Deputy Registrar of the Bureau since August 22, 2006, and have been tasked to "turn the Bureau around" together with First Deputy of DLNR, Robert Masuda (Bob). I think Bob and I worked well as a team and he was/is my direct supervisor. At the end of my three months probationary, I received an exemplary rating from him. However, on February 21, 2007, one day before the end of my six months probationary, I received a letter from Peter Young (Chair), extending my probationary period for another three months. Who do I report to anyway? Is it fair to have Peter threaten me with termination when I had received exemplary ratings?

Bob and I have been diligently trying to turn things around, and I have heard that more than a third of the Bureau staff has signed a Petition in support of our efforts. However, Peter claims that there are employees who claim that I am not pulling everyone together. Similar to the conflict between the Sunnis and Shiites will not come to an end over night, things at the Bureau will not immediately change, particularly with the Chair's constant intervention.

To wit, he only hears certain people, mainly Nicole Gega-Chang and Carl Watanabe's critical comments about how things are run. Much as I have informed the Chair that he is undermining my authority and to let me handle Nicole's criticisms, he takes her side which I do not appreciate. Nicole has filed three internal harassment complaints against me because the unions squashed all her grievances that she tried to file. Due to the harassment complaints, and that Nicole's cubicle is right next to my office and her staff person sits immediately outside my door, for privacy and confidentiality purposes I usually keep my door partially closed, but if one pushes it, it will swing open easily. To this, the Chair has complained that I do not have an open door policy and have alienated some people. I think this is an unfair comment because as mentioned, most of the staff agrees with me. Further, the Chair has not been over to see the physical conditions; he is only commenting of what a minority of people have told him. I have attempted to put forth that to my knowledge, whenever harassment is involved, the parties are separated for the safety of both parties. The Chair and Personnel have insisted that I have a witness whenever I speak to Nicole and that is all. Personnel have also said they do not have

200065

EXHIBIT 6

records of previous harassment incidences in DLNR, when to my knowledge, there has been at least two. Why the cover up?

Although I am tasked to run the Bureau, I am not compensated for it and have accepted the challenge. However, the Chair has continuously said, Carl Watanabe is still the Registrar. I have asked this before, but on behalf of myself and many employees, what is to happen to Carl? He is the one who brought down the Bureau, is he going to continue to be allowed to take "pot shots" of my work? Is this a grand scheme to have Bob and I clean things up and have Carl return to run the Bureau? If so, don't hold it against me, simply transfer me out.

Carl Watanabe has been assigned to the Special Project of handling only the mail for close to a year. When the mail backlog was occurring again downstairs, it was found that it could be addressed in a matter of weeks if everyone was held accountable and did their work.

Recently, Peter demanded daily meetings with the so-called Bureau Management Team composed of the Branch Chiefs, Carl, myself and Bob. Carl and Branch Chief Nicole Gega-Chang contributed to the backlog, and their insistence was to merge the front section so that Regular System staff could do Land Court work. This was clearly against the bargaining unit contract, and in time it was found that the merger was not necessary. The Chair has insisted that everyone is to "work as a team," not giving thought to accountability. I have put forth my short term, intermediate and long term goals for the Bureau, but he has not answered. I have asked for direction and I got a "don't wait for me" answer.

The Chair has questioned my sick leave, which I have had to go to the doctor for the flu, bronchitis (due to dusty office air ducts) and now, hypertension that is job related. I have given my health for the job, but the Chair says since I have been out, my probation is to be extended.

The Chair has said I do not respond immediately to legislative requests. The primary Bill in question regarding "Time Share" was originally proposed years ago under Carl's tenure. Since I had previously worked at the Legislature, my suggestion was to put the Bill on hold for further study, after which I went on vacation. When I returned, I found e-mails asking for testimony and I wrote it accordingly. To that, I had numerous rejections with no specific notations for corrections from the Chair. Finally in frustration, I asked Bob what is it that the Chair wanted, and Bob said to pass the testimony to him which was finally accepted. The Chair also fails to understand that legislative coordinator Michael Yoshinaga and Carl Watanabe are good friends.

The Chair has ordered that Bob and I stop all investigation regarding improprieties in the Bureau. I believe that the Chair is retaliating against me for allowing continuous investigations which will show improprieties by the very people who are critical of me.

200066

I am sorry for bending your ear, but I have given my health for the Bureau. We have come a long ways and many employees are very concerned for me and also, their well being. Despite doctor's orders to rest, I do come in half a day to see that things are progressing. I have asked pertinent questions that I hope will be answered. Mainly, who do I report to? Is Carl Watanabe to run the Bureau? Meanwhile, I have taken steps to protect myself and I want to make clear to everyone that it is nothing personal.

cc: Robert Masuda
Jean Kashiwaeda

200067

From early on, the Chair has undermined my decisions by accepting e-mails from Nicole Gega-Chang, who has e-mailed people all the way to the Governor. None of those e-mailed said anything and Nicole has kept up her poisonous e-mails which I think the Chair believes. Back then, only certain supervisors had e-mailing capacity, but I changed that. When the good employees found out that my probationary had been extended, they started their e-mail campaign of which I had nothing to do.

Since he tasked the Bureau to Bob and I, I had always asked Peter to send Nicole's complaints back to me to handle. To that, he said nothing. Instead, he would say when are you going to get the Bureau turned around, or I want you to get everyone working together. I have sent in short term, intermediate and long term goals to the Chair, but has received no reply. He has screamed at me, which I do not appreciate. Never, in all of my years of work has any supervisor screamed at me. He continuously says be pro-active, but has never defined what he means by pro-active. My reports and letters get continuously rejected not two, but three or four times and I go to Bob in frustration asking what does he want because he never clarifies exactly what part of the report or letter he is not happy with. Most often I would not even get an answer, or something like do it over. Then he accuses me of not submitting work on time!

All along, there was evidence that the Chair was not only listening to Nicole, but to Carl Watanabe. Recently, he put in writing, without discussion with me and I think even Bob did not know, that the cashier's was to accept stale dated checks because certain banks were going to accept them, pursuant to a letter to Carl Watanabe from the banks. What the Chair did not know or doesn't want to know, is that this matter of stale dated checks was going on for a long time, and the cashier's had a valid point because right on the checks itself, it said void after 90 days, or that Fiscal had sent back the checks because they should not be accepted.

Anyway, the day before my 6 months probation was due to expire, the Chair's secretary gave me a letter that he was extending my probationary for another 3 months and at the end of that period, I may even be terminated. I felt deceived and angry because I already had extreme high blood pressure due to the stress at work. I had put in long hours, of which the Chair questioned my comp time that was approved by Bob. The Chair questioned my sick leave, majority of which I had taken early on, I think in the second month of employment due to flu that turned to bronchitis due to dirty air ducts in my office. During this time, in my frustration of no cooperation from the Chair, I would e-mail Jean, which I do not want to implicate, because she was a source of comfort. I had asked both Jean and Bob, what was going to happen to Carl, because I knew we would be bucking heads if he was around. I was told that Carl will never come back to the Bureau. Now however, due to the Chair's insistence, he participates in daily meetings, always with an agenda to trip me up and supported by Nicole.

A few days after I received the letter extending probationary, I filed a grievance against the Chair, and sent the e-mail to Bob Awana asking who was I reporting to? Bob or the Chair? Is it fair to have someone that I do not directly report to evaluate me and hold me accountable? I also asked what is to happen to Carl? Are you people waiting for the

200068

EXHIBIT 7

investigator's report that he was involved with improprieties? One investigator has already recommended that Carl be kept entirely away from the Bureau, yet nothing has happened. Peter has said stop all investigations to both Bob and myself, and I did. Now, he says any fiscal evidence must first go through his approval before further investigation. Why? So that he can destroy the evidence?

Is this a grand scheme of squelching the whole mess at the Bureau? Is this to have me be the fall guy to clean up the Bureau and then bring Carl back in? I really think that is what the Chair wants to do. Sometimes I wonder if Bob M. although we are long time friends, knew about this because I wanted the investigators to come in earlier about Sept., but he kept saying to wait until the Nov. elections were over. Fine, I did. And now that I have blown the whistle, I am going to be terminated?

I feel that I did my job. If the Chair wants to run the Bureau with Carl, that's fine, but transfer me elsewhere. I think I am owed that much.

November 29, 2006

TO: Peter Young
Chair

FROM: Dennis Ihara *DI*.
BOC

RE: ATTACHED ATTORNEY'S LETTER

I have shared the attached letter with Bob, but felt that I should also share it with you. I have already turned it over to the Attorney General's Office for opinion and am waiting for further word. I will abide by whatever decision the A.G.s decide, but wish to make it clear that I in no way harassed anyone.

I am cognizant of your concerns for the Bureau in working as a team. However, I would like to request more support of my actions. While your e-mail regarding communications had stated you did not know all the details, I was disappointed that you did not consult with me before replying. Please understand that the problems at the Bureau transpired over a course of over 20 years with people wanting their way. It is a combination of people and administrative problems that will take time to overcome.

EXHIBIT 8

200070

BERVAR & JONES

Attorneys at Law • A Law Partnership

1400 PAUAAHI TOWER
1001 BISHOP STREET
HONOLULU, HAWAII 96813

PHONE: (808) 521-7724
TOLL FREE: (800) 699-9016
FAX: (808) 550-4991

November 17, 2006

Mr. Dennis Ihara
DLNR—Bureau of Conveyances
1151 Punchbowl Street
Honolulu, Hawaii 96813

Re: Your Harassing Actions

Dear Mr. Ihara:

We have been instructed by Nicolene Gega-Chang to write to you regarding the above matter.

You and Ms. Chang both work for the State of Hawaii in the Bureau of Conveyances. During numerous, recent interactions with Ms. Chang, she believes and feels that you are constantly harassing her, second guessing her actions, and sending her negative unwanted e-mail. Ms. Chang fears for her safety and well-being at her job that she has been at for over 34 years.

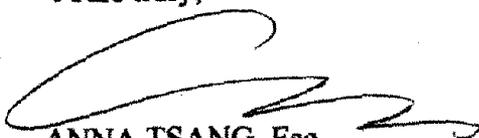
Your actions are unacceptable and amounts to harassment.

On behalf of Ms. Chang, we hereby demand that you:

- 1. Cease contacting, threatening or harassing Ms. Chang, whether in person, by telephone, mail, fax, pager, email, internet, etc. except for legitimate work purposes.**
- 2. Cease your belittling and condescending comments at work.**

If you fail to comply with the above demand, Ms. Chang will seek any and all available legal remedies. However, Ms. Chang would like to avoid any court proceedings and hopes to resolve this matter amicably at this time. Any and all correspondence related to work purposes should be directed to her at her place of business, Ms. Chang, Bureau of Conveyances, 1151 Punchbowl Street, Honolulu, Hawaii 96813.

Yours truly,


ANNA TSANG, Esq.

AT:pg
cc: Ms. Nicolene Gega-Chang (27387)

200071

Dennis T
Ihara/DLNR/StateHiUS
11/30/2006 07:05 PM

To Peter T Young/DLNR/StateHiUS@StateHiUS
cc Robert K Masuda/DLNR/StateHiUS@StateHiUS, James E
Halvorson/AG/StateHiUS@StateHiUS, J Holly
Leong/DLNR/StateHiUS@StateHiUS

bcc

Subject Prohibited Practice Complaint filed with Labor Relations
Board

Aloha All: I received the above mentioned Complaint at about 5:55 pm this date via Edna, my secretary who said it came from Personnel. Since November 21, 2006, when the DLNR Deputy and I met with the Attorney General's representatives, I have been asking for guidance on the Harassment charges brought by Ms. Gega-Chang that are entirely false. I sent to everyone named above a copy of the letter from Ms. Gega-Chang's attorney. This morning I again brought my concerns to the DLNR Deputy and to the DLNR Chair as to how we should proceed. All I was told is that there is a Bureau management meeting tomorrow morning. Under the circumstances I have some grave concerns about such a meeting where more false accusations can be made against me. Will someone please advise as to what procedures do I follow? Will I be represented by a Deputy A.G.? If no advice/representation will be forthcoming on my behalf, please let me know as I will have to seek my own legal counsel to protect myself. Mahalo.

Dennis

200072

EXHIBIT 9

December 26, 2006

TO: James Halverson
FROM: Dennis Ihara
RE: Harassment Charge by Nicolene Gega-Chang

Allow me to review the chronological order of events:

On or about November 13, 2006, Ms. Gega-Chang was caught taking some Title company people to a confidential area of the Bureau and leaving them there unsupervised which is against agency policy. It was further found that she was contacted directly by the Title Guaranty to make the work a priority. This action slows down work flow and further contributes to our backlog. The Ethics Commission has said this kind of doing favors is unethical, but she has refused to attend the mandatory Ethics workshop claiming that she did not know it was mandatory. Ms. Gega-Chang was upset with the person who reported her and whereas e-mails were sent to me, this writer gave no reply except to look into the matter.

On or about November 18, 2006, this writer received via regular mail, a letter from Ms. Gega-Chang's attorney Anna Tsang, Esq., alleging that he harassed her. On November 21, 2006, said letter was presented to your Office via Lisa Ginoza.

On or about November 20, 2006, this writer met with Island Title Company Vice President, Bradford Ishida, who confirmed that through a former Bureau employee, Sandra Furukawa (presently working for Title Guaranty), Ms. Gega-Chang and Ms. Susan Cummings assisted in making corrections to Island Title's documents. Mr. Ishida agreed to gather other disgruntled Title Company executives about Bureau favoritism.

On or about November 29, 2006, this writer received a Prohibited Practices Complaint via DLNR Personnel, filed by Ms. Gega-Chang, naming Peter Young, Chair of DLNR in the Complaint, but claiming that this writer harassed her.

On or about December 19, 2006, this writer was notified via DLNR Personnel that Ms. Gega-Chang filed a formal Harassment complaint against him.

Last week, it was brought to this writer's attention that Ms. Gega-Chang filed an accident claim alleging that she was stressed because this writer harassed her. This writer has not yet signed said claim because the doctor's report that Ms. Gega-Chang filed was of a doctor of acupuncture and as this writer has heard, she has long been receiving massage on a regular weekly basis.

It is this writer's opinion that Ms. Gega-Chang will soon file a Workers Compensation claim based on stress, naming him as the cause.

200073

EXHIBIT 10

In e-mails dated 12/01/2006, from you, and blind e-mails sent to you on 12/06/2006, 12/08/2006 to keep you apprised of the situation, and further e-mails to Lisa Ginoza on 12/11/2006, this writer elaborated his concerns about Ms. Gega-Chang, who is targeting him by questioning his management decisions, but in actuality covering up her own incompetence of not doing her work or covering for doing things that she is not supposed to do. The present backlogs are all in her section and under her supervision. This writer has yet to hear from senior management and your Office except not to have conversations with her without a witness. For how long is this to go on?

Ms. Gega-Chang's strategy is obvious. Yet, this writer continues to be in a defensive mode. Since Ms. Gega-Chang's cubicle is next to his office and to avoid further unwarranted claims against him, he has suggested that she be sent to work at our second floor unit, but have received no response from the Chair. This writer thinks that this places him in a continuously defensive posture with no support. This writer has written to DLNR Chair Peter Young requesting support, but has heard nothing except to get everyone working as a team. DLNR First Deputy Robert Masuda knows of this matter, but his decisions are overridden by the Chair.

It seems that there is going to be a meeting with DLNR Personnel sometime in January to address the Harassment Complaint and I would like to request for representation and/or guidance on this matter. Your Office's advice and guidance will be greatly appreciated.

Thank you.

cc: Robert Masuda
David Fitzpatrick
Lisa Ginoza

200074

January 23, 2007

TO: J. Holly Leong
DLNR Personnel

FROM: Dennis Ihara
BOC

RE: CONCERNS

I have been informed by your office to make a statement regarding the two inter-department Harassment complaints filed against me by Ms. Nicole Gega-Chang who had also previously filed a Harassment complaint with the Hawaii Labor Relations Board (HLRB), and recently filed a Workers Compensation claim based on stress.

The first inter-department Harassment complaint of December 28, 2006, alleged that my "response to a concern was not becoming of a Deputy Registrar." This complaint was lodged via your office and noticed to Chairman Peter Young and Deputy Robert Masuda.

The second inter-department Harassment complaint of January 2, 2007, alleged that I was "not treating the branches fairly, making untrue statements, and... refuse to communicate with her because of the harassment complaint that she filed against you." This complaint was also lodged via your office and noticed to Chairman Young and Deputy Masuda.

Previously, Ms. Gega-Chang had retained an attorney who drafted a letter alleging Harassment by me, and also filing a complaint with the HLRB. In the HLRB complaint the Chair was named and Ms. Gega-Chang alleged that she was fearful of her safety here in the workplace because of me. The matter before HLRB is still pending.

A few weeks ago, Ms. Gega-Chang filed a Workers Compensation (WC) claim alleging stress caused by me. Perhaps it was an error, but your office sent me the WC forms to sign. I submitted my response with Deputy Masuda's knowledge and signature.

As a former practicing attorney, I see all the signs of impending litigation and/or contested Workers Compensation claim by Ms. Gega-Chang. I want to make it clear to all that upon the advice of the Attorney General's Office, I have only communicated to her with a witness and/or through the Chair's office, strictly regarding work matters. However, since my office is physically located next to Ms. Gega-Chang's cubicle, and also that the Chair has insistently demanded that we all "work together," I have had grave concerns for my own well being as Ms. Gega-Chang may further raise Harassment against me for whatever the reason.

200075

EXHIBIT 11

I have found that this Department has previously had situations of this nature between supervisor and employee, and to protect against liability, both parties were physically separated as soon as possible until the matter was resolved. As you may know, the State is responsible to protect its managers, or be held liable for non-action if in the event the situation escalates. As a manager, I have a right to be protected and advised against multiple untruthful allegations.

I need guidance from your Office immediately. Too much time has elapsed and Ms. Gega-Chang only continues to take things to the next level. If it is that past precedence has been a separation of the parties for the protection of everyone, please provide further information. If not, please provide information as to what other departments in the State system have done regarding this type of problem.

Your prompt attention will be greatly appreciated. Please let me hear from you on or before January 29, 2007, on this urgent matter.

Cc: Peter Young, Chair
Robert Masuda, Deputy
James Halverson, Esq.
David Fitzpatrick, Esq.

200076

Peter T
Young/DLNR/StateHIUS
11/22/2006 07:45 AM

To Robert K Masuda/DLNR/StateHIUS@StateHIUS, Dennis T
Ihara/DLNR/StateHIUS@StateHIUS, J Holly
Leong/DLNR/StateHIUS@StateHIUS

cc

bcc

Subject Fw: T/A to Land Court Receiving

History: This message has been forwarded.

I do not know all the details, but there appears to be continued lack of communication.

The lack of communication internally needs to stop.

This is not the first reported instance of lack of communication.

As I noted, we need to set the example and provide open and honest communication.

I believe Holly noted on a prior instance that the procedure used was not consistent with appropriate protocols.

You guys need to work together with all in the Bureau and keep the leadership involved and working as a team.

Peter.

----- Forwarded by Peter T Young/DLNR/StateHIUS on 11/22/2006 07:43 AM -----

Nicolene M
Gega-Chang/DLNR/StateHIU
S
11/22/2006 07:41 AM

To Dennis T Ihara/DLNR/StateHIUS@StateHIUS, Peter T
Young/DLNR/StateHIUS@StateHIUS, Robert K
Masuda/DLNR/StateHIUS@StateHIUS
cc Susan M Cummings/DLNR/StateHIUS

Subject T/A to Land Court Receiving

Is it true that Harriet asked Faith if she wanted to T/A into a Land Court Receiving position? What happen to my question about Pearl's T/ A to Land Court Receiving? You never answered my concern and have allowed Land Court Receiving to work with a shortage for a week and a half.

Is there a reason why I wasn't included in the discussion about a T/A to Land Court Receiving? Office practice is that discussion is made with the Branch Chief in which the vacancies occurs or with both Branch Chiefs.

You have chosen not to speak or include me in any discussion regarding the operations of the Bureau, yet you meet with Harriet on a daily bases. Is there a reason for your non communication to myself as the Land Court Branch Chief. and as part of the Management team?

Your response would be appreciated

200077

EXHIBIT 12

Dennis T
Ihara/DLNR/StateHIUS
02/09/2007 09:13 AM

To Peter T Young/DLNR/StateHIUS@StateHIUS
cc Annette L Kahalewai/DLNR/StateHIUS@StateHIUS, Robert
K Masuda/DLNR/StateHIUS@StateHIUS
bcc
Subject Re: Land Court 

No blame was intended. Everyone knows that you want ALL backlog addressed and I was reiterating that goal. I am fully in agreement in what you have espoused. Although you have said we should not point fingers to anyone, I have always been accountable for my actions. My philosophy is if things go well, you take the credit. If things go bad, blame it on me, no problem. However, since you mentioned that Nicol has e-mailed you, I would appreciate a "heads-up" of what is imparted to you and an opportunity be given to me to answer. I think it is only fair to hear both sides. Thank you.

Dennis

Peter T Young/DLNR/StateHIUS

Peter T
Young/DLNR/StateHIUS
02/09/2007 06:08 AM

To Dennis T Ihara/DLNR/StateHIUS@StateHIUS
cc Robert K Masuda/DLNR/StateHIUS@StateHIUS, Annette L
Kahalewai/DLNR/StateHIUS@StateHIUS
Subject Re: Land Court 

Dennis:

By inference, you have "blamed" me for decisions you have made - I ask that you refrain from that.

My directive is to work together and focus on the backlog and get a smooth running Bureau.

The specifics of how that gets done and day to day decision-making is left to the leadership of the Bureau.

You made a decision - please take the responsibility for that decision (as noted, this is not the first time you have passed blame on to me.)

As I have noted in the past, as well, all employees are to be treated equally and fairly - a follow-up e-mail from Nicol suggests that you have done otherwise.

Peter.

Dennis T Ihara/DLNR/StateHIUS

Dennis T
Ihara/DLNR/StateHIUS
02/08/2007 05:05 PM

To Nicolene M Gega-Chang/DLNR/StateHIUS@StateHIUS
cc Edna J Magnaye/DLNR/StateHIUS@StateHIUS, Peter T
Young/DLNR/StateHIUS@StateHIUS, Robert K
Masuda/DLNR/StateHIUS@StateHIUS, Susan De
Jesus/DLNR/StateHIUS@StateHIUS, Carol H
Ching/DLNR/StateHIUS@StateHIUS, Harriet H
Enrique/DLNR/StateHIUS@StateHIUS
Subject Re: Land Court 

200078

EXHIBIT 13

By the Chair's directive to deal with all backlogs, I commend Susanah or anyone else for taking the initiative in volunteering to stay late and work, even on weekends. Particularly when Susanah will be gone on vacation, she knows the work will be piling up and she is being pro-active in dealing with the problem. You are the Branch Chief and can easily decide on these matters as long as they are in keeping with the bargaining unit agreement. Thank you.

Dennis

Nicolene M Gega-Chang/DLNR/StateHiUS

Nicolene M
Gega-Chang/DLNR/StateHi
US

02/08/2007 01:18 PM

To Dennis T Ihara/DLNR/StateHiUS@StateHiUS

cc Robert K Masuda/DLNR/StateHiUS@StateHiUS, Peter T
Young/DLNR/StateHiUS@StateHiUS, Edna J
Magnaye/DLNR/StateHiUS@StateHiUS

Subject Land Court

1. Susanna said that you OK'ed her to work 9 hours this Sunday instead of 8 hours, can you clarify this. Office practice is employees work within in 8 hour frame. If there were only one AR on duty, employees would work around the time frame that the AR sign up for. Is this 9 hours on the weekend going to be a new practice? I need to let the rest of the Assistant Registrar's know if it is to become a new practice.
2. Susanna also said you authorized her to stay after 6:00 p.m. by herself. Are we know allowing employees to work pass 6:00 p.m.? Can you let me know other Assistant Registrar's are asking if they could work pass 6:00. The reason employees were only allowed to work till 6:00, is because after 6:00 pm meals need to paid to the employees. They were also safety reasons for not allowing an Employee to stay alone.
3. Land Court Receiving occasionally needs to work pass 6:00 p.m. to finish their pre-checks, does an Assistant Registrar need to stay with them or would their Supervisor be sufficient? Office practice is an Assistant Registrar would stay with Land Court Receiving if they needed to stay after 6:00 pm.

200079

Peter T
Young/DLNR/StateHIUS
03/13/2007 04:23 PM

To Kaiulani J Lambert/DLNR/StateHIUS@StateHIUS
cc Bob Awana/Gov/StateHIUS@StateHIUS, Cindy S
Inouye/DHRD/StateHIUS@StateHIUS, Dennis T
Ihara/DLNR/StateHIUS@StateHIUS, Jean M
bcc
Subject Re: Morning Meetings

History: This message has been replied to.

Thanks.

I will ask Bob Masuda to respond to you directly. As you will note, he attends all of the meetings and, working with me, he is overseeing the activities in the Bureau.

The types of decisions made each day are typically focussed on activities for that day, based on the staffing in each section fo the Bureau. Leadership fo the Bureau participate in the meetings.

Peter.

(As clarification, the notes of the meeting are not verbatim, so I know they only reflect a sense of the discussion, not the detail.)

Kaiulani J Lambert/DLNR/StateHIUS

Kaiulani J
Lambert/DLNR/StateHIUS
03/13/2007 03:51 PM

To Peter T Young/DLNR/StateHIUS@StateHIUS
cc Bob Awana/Gov/StateHIUS@StateHIUS, Cindy S
Inouye/DHRD/StateHIUS@StateHIUS, Dennis T
Ihara/DLNR/StateHIUS@StateHIUS, Jean M
Kashiwaeda/DHRD/StateHIUS@StateHIUS, Linda
Lingle/Gov/StateHIUS@StateHIUS, Marie C
Laderta/DHRD/StateHIUS@StateHIUS, Robert K
Masuda/DLNR/StateHIUS@StateHIUS
Subject Re: Morning Meetings

Thank you Peter for your prompt response.

I am fully aware of why the leadership meetings were established. Unfortunately, I didn't get the answers to my questions. Again, I have more open ended questions to your response.

What investigating alternatives are being suggested? Who's suggesting these alternatives? What is the motivation behind these alternatives? What is the impact on daily operations? What can be accomplished in these trial projects? How can we motivate our employees to work efficiently together? Do we need to get input from the rank and file who know the details of their job? These are the critical questions that should be considered as productive criteria rather than counter productive ideas disguised to create hostility. Ultimately, feedback to these discussions are not relayed to the employees until all discussions are opened to the employees.

Here is a perfect example. The employees were briefed in their staff meeting about this idea of getting rid of a DOT SYSTEM. Upon further discussion, the Review section discovers that Carl suggested the idea in the leadership group meeting on February 26, 2007. Why is Carl making these suggestions which adversely affects this section? He was sent to the Special Projects section to clear the backlog created under his tenure in the Bureau. He has no substance or justification to this idea. What purpose

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EXHIBIT 14

does it serve? If you read the minutes its just a blurb in the following minutes there after. I know that Zelei spent a lot of time to actively weigh the PROS and CONS of keeping this system. Discussions should have been open to the employees, but the minutes are vague. The final outcome of the discussions were posted in the minutes of February 28, as a NO GO! That's it!

If you read the minutes you would understand that the dialog is vague and without substance. What examples can be shown in these meetings that are actually getting people to work together? In fact, the office seems more divided than ever because of your intervention or lack thereof on ideas initiated by certain management members. These are the same individuals who created the upheaval in this office. They know you are not familiar with the daily operations of this office and are NOT giving you critical information to address these concerns. Please look at the minutes of these Leadership meetings. There was nothing that supported your idea of "working as a team."

I also noticed that you are not present in many of these meetings and are relying on these minutes to make critical decisions that affect us. Please make a diligent effort to attend these meetings so that you can make rational decisions pertaining to our office.

Ka'iulani J. Lambert
HGEA- Unit 3 Steward

200081

Robert K
Masuda/DLNR/StateHiUS
03/07/2007 03:28 PM

To Peter T Young/DLNR/StateHiUS@StateHiUS, Scot K
Chang/DLNR/StateHiUS@StateHiUS, J Holly
Leong/DLNR/StateHiUS@StateHiUS, jmorgan@hgea.org
cc Dennis T Ihara/DLNR/StateHiUS@StateHiUS

bcc

Subject Re: Fw: Please Address 

Peter:

I have been in phone discussion on the subject with Scot and have requested that he, in his capacity as Union Steward, contact me first as to any issues that require the response of management. After hearing the complaint/issue, we will jointly determine whether the item can be expeditiously handled or will require the involvement of either the HGEA Agent and/or our Personnel Office - which we will move to involve should the item so require.

I'm also making contact with HGEA Agent Jeff Morgan to request a mtg. for he and I to discuss the above process/protocol so as to put things in perspective. Small items handled expeditiously and items that truly require labor/mgt. professional level discussion receive such appropriate attention. After consultation with Jeff on these issues, I will request that he inform all Stewards to please follow the protocols that we agree on. For really critical matters we should of course refer to and follow our Collective Bargaining Agreement in force between the State of Hawaii and the HGEA.

Like yourself and Jeff, I believe that many issues should be resolved at ground level or should never become "issues" if folks will work together with civility and professionalism. Can you imagine how awesome the Bureau could be if it added even a little "Aloha" in our daily work and relationships.

Bob

Robert K. Masuda, Deputy Director
Dept. of Land & Natural Resources
Kalanimoku Bldg., 1151 Punchbowl St.
Honolulu, Hawai'i 96813
ph: (808) 587-0400
fax: (808) 587-0390
email: R.K.Masuda@hawaii.gov

Peter T Young/DLNR/StateHiUS

Peter T
Young/DLNR/StateHiUS
03/07/2007 02:57 PM

To Robert K Masuda/DLNR/StateHiUS@StateHiUS
cc J Holly Leong/DLNR/StateHiUS@StateHiUS
Subject Fw: Please Address

Bob:

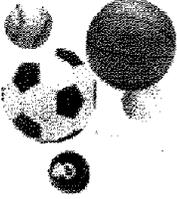
Please look into this.

Let's not let this get out of hand.

200082

Peter.

----- Forwarded by Peter T Young/DLNR/StateHIUS on 03/07/2007 02:57 PM -----



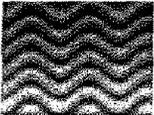
Scot K
Chang/DLNR/StateHIUS
03/07/2007 02:45 PM

To J Holly Leong/DLNR/StateHIUS@StateHIUS, Jean M
Kashiwaeda/DHRD/StateHIUS@StateHIUS, Marie C
Laderta/DHRD/StateHIUS@StateHIUS
cc Dennis T Ihara/DLNR/StateHIUS@StateHIUS, Kaiulani J
Lambert/DLNR/StateHIUS@StateHIUS, Linda G
Gomes/DLNR/StateHIUS@StateHIUS, Michelle I
Pang/DLNR/StateHIUS@StateHIUS, Peter T
Young/DLNR/StateHIUS@StateHIUS, Robert K
Masuda/DLNR/StateHIUS@StateHIUS, Shauna M
Tsuha/DLNR/StateHIUS@StateHIUS, Zelei M
Abordo/DLNR/StateHIUS@StateHIUS
Subject Re: Please Address

Holly,

We **ARE** consulting with you. We are trying to prevent this from becoming larger than it is so therefore, it is your responsibility to investigate and remedy this problem as the facts are given to you. What else do you need? Perhaps we should take this matter to Mr. Bob Awana's office because from past experiences with our own Personnel Office, we are not receiving the correct attention that we need.

J Holly Leong/DLNR/StateHIUS



J Holly
Leong/DLNR/StateHIUS
03/07/2007 08:58 AM

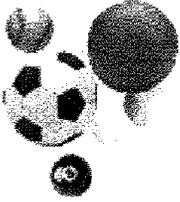
To Scot K Chang/DLNR/StateHIUS@StateHIUS
cc Dennis T Ihara/DLNR/StateHIUS@StateHIUS, Kaiulani J
Lambert/DLNR/StateHIUS@StateHIUS, Linda G
Gomes/DLNR/StateHIUS@StateHIUS, Michelle I
Pang/DLNR/StateHIUS@StateHIUS, Peter T
Young/DLNR/StateHIUS@StateHIUS, Robert K
Masuda/DLNR/StateHIUS@StateHIUS, Shauna M
Tsuha/DLNR/StateHIUS@StateHIUS, Zelei M
Abordo/DLNR/StateHIUS@StateHIUS
Subject Re: Please Address

This is an internal matter that needs to be addressed by your supervisors. They may consult with our office if they wish to pursue disciplinary action. Thank you.

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all electronic and paper copies. Thank you.
Scot K Chang/DLNR/StateHiUS



Scot K
Chang/DLNR/StateHiUS
03/07/2007 08:32 AM

To Shauna M Tsuha/DLNR/StateHiUS@StateHiUS, J Holly
Leong/DLNR/StateHiUS@StateHiUS, Peter T
Young/DLNR/StateHiUS@StateHiUS, Robert K
Masuda/DLNR/StateHiUS@StateHiUS, Dennis T
Ihara/DLNR/StateHiUS@StateHiUS
cc Kajulani J Lambert/DLNR/StateHiUS@StateHiUS, Michelle I
Pang/DLNR/StateHiUS@StateHiUS, Linda G
Gomes/DLNR/StateHiUS@StateHiUS, Zelei M
Abordo/DLNR/StateHiUS@StateHiUS
Subject Please Address

Good Morning Shauna/Holly,

Yesterday at 4:10pm, Shirlene requested the presents of a Steward to come with her so that she could ask Nicol various questions she had regarding her work that was compiled throughout the day. However at 4:10pm when Shirlene and I walked over to Nicol's desk, and we both observed that she was on the phone. Shirlene had documented that she attempted a total of 4 times to ask her questions, (9:20am, 1:35pm, 2:55pm, 4:10pm) but each time failed, because her ears was glued to the phone. Nicol could see that Shirlene needed to talk to her because she always positioned herself facing outward to see the entire office as she talks, but instead of acknowledging Shirlene, Nicol simply went on talking. Because Shirlene is a very thorough person and simply cannot just leave her work for the day, she wanted to try one more time to ask her questions before the day was done. At 4:15pm I walked to Nicol's desk myself to observe. Nicol had finally put down the phone, It was then that I asked Shirlene to approach Nicol with her questions. While Shirlene asked her questions regarding her AR work, I stood outside and observed while out of view. My observation was very disturbing. I noticed that Nicol had a very rigid and harassing tone when speaking to Shirlene. Nicol said, "why you want to do that for?", "we don't do that anymore", "we don't memo anymore", "the AR's don't do that anymore". She spoke to Shirlene as if Shirlene was a child. When the conversation was almost becoming unbearable, I made my presence known and moved closer to Nicol's desk so that Nicol could see me. Instantly, her demeanor changed. At 4:30pm Shirlene left and went back to her desk. It took Shirlene a total of 5 attempts throughout the entire day to ask Nicol a bunch a questions that only last 15mins. Please address this issue to Nicol. This type of behavior by a Land Court Branch Chief is not acceptable and needs to stop immediately. I will check back with you in a week after you address this to Nicol.

THANK YOU!

Scot Chang
Steward, Bargaining Unit 3

200084

Peter T
Young/DLNR/StateHiUS
02/12/2007 01:01 PM

To Zelei M Abordo/DLNR/StateHiUS@StateHiUS
cc Dennis T Ihara/DLNR/StateHiUS@StateHiUS, Robert K
Masuda/DLNR/StateHiUS@StateHiUS
bcc
Subject Re: inappropriate action? 

I will look into this.

Peter.

Zelei M Abordo/DLNR/StateHiUS

Zelei M
Abordo/DLNR/StateHiUS
02/12/2007 12:59 PM

To Peter T Young/DLNR/StateHiUS@StateHiUS
cc Robert K Masuda/DLNR/StateHiUS@StateHiUS, Dennis T
Ihara/DLNR/StateHiUS@StateHiUS
Subject inappropriate action?

February 12, 2007

Dear Peter,

I am writing to inform you that on February 9, 2007 at approximately 9:15 a.m. right after your morning management meeting I saw Nicol Gega-Chang, Land Court Branch Chief going through Dennis Ihara's in-tray. It disturbed me because after that Carl Watanabe came downstairs and went into Nicol's office with a few selected people and held a meeting. I'm not sure who else saw Nicol but I am writing to you because I felt that this was inappropriate because of her position and I was concerned because of her disregard for Dennis's privacy. It also left another negative impact on the trust between Nicol and the employees. We have been working with Nicol per your orders but when I see Nicol doing things like this it disturbs me. Do you think that this was appropriate or not? I look forward to your position on this matter. Could you please respond as soon as possible so I can know that this matter is being properly handled.

Thank you,
Zelei Abordo