



*Proposed Conciliation Agreement No. 20-10 – In Re the Matter of Josh Green for Hawaii
General Counsel Kam stated that the proposed conciliation agreement was a result of an investigation initiated by Commission staff pursuant to HRS §11-314(7) concerning excess contributions from nonresidents to a candidate committee in violation of HRS §11-362. He reported that Respondent Green has been informed in letters from Commission staff about the investigation, has provided written responses to staff's inquiries, has met with staff on several occasions, has received a copy of the proposed conciliation agreement, and has been notified of today's meeting.

General Counsel Kam stated that under HRS §11-362, contributions to a candidate from persons, not including immediate family members, who are not residents of Hawaii at the time the contributions are made, shall not exceed 30% of the total contributions received by that candidate in the election period. He stated that based upon a review of the filed reports for the 2018 election period, it appeared that Respondent's aggregate nonresident contributions, based upon the reported out-of-state addresses, was very close to the 30% limit. In addition, 8 contributors who each gave the \$6,000 maximum amount to Respondent, also gave to another candidate committee. However, Respondent reported that these 8 contributors had Hawaii addresses while the other candidate committee reported that these 8 contributors had out-of-state addresses. Respondent informed staff that although the addresses printed on the checks of these 8 contributors were mainland addresses, these contributors provided Respondent with Hawaii addresses. For these same 8 contributors, the other candidate committee reported the mainland addresses printed on the checks. Subject to further investigation, Commission staff determined that \$24,508.77 of Respondent Green's nonresident contributions exceeded the 30% cap.

General Counsel Kam explained that the matter was brought before the Commission by way of a conciliation agreement because the Commission's Schedule of Fines does not include a fine for excess nonresident contributions.

General Counsel Kam recommended that the Commission make a preliminary determination of probable cause that a violation had been committed, waive further proceedings, and approve the terms as stated in the proposed agreement which includes Respondent Green paying a \$1,000 administrative fine to be deposited in the general fund of the State of Hawaii as well as Respondent Green returning a \$6,000 contribution made by Clayton Webb on 4/16/19 and a \$6,000 contribution made by William Webb on 5/9/18 no later than 11/6/19.

Commissioner Tsuji moved to approve the proposed conciliation agreement. Motion seconded by Vice Chair Shoda. Motion carried (4-0).